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PRINTED BY ORDER OF

THE HOUSE OF REPRESENTATIVES,

DURING THE

SECOND SESSION OF THE THIRTY-NINTH CONGRESS,

1866-'67.

IN SIXTEEN VOLUMES.

Volume 1	No. 1. Diplomatic: Parts 1, 2, and 3.
Volume 2	No. 1. Interior.
Volume 3	No. 1. War.
Volume 4	No. 1. Navy, Postmaster General, and No. 2.
Volume 5	No. 3 to 8.
Volume 6	No. 9 to 24.
Volume 7	No. 25 to 49.
Volume 8	No. 50 to 54.
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INDEX

TO

THE EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

OF THE

SECOND SESSION OF THE THIRTY-NINTH CONGRESS.

Title.	Vol.	No.	Page.
A.			
Adjutant General of the United States. Annual report of the	3	1	
Agassiz. Message of the President of the United States relative to the visit to Brazil of Professor	11	86	
Agriculture. Annual report of the Commissioner of	15	107	
American seamen. Letter from the Secretary of State relative to relief and protection of	5	6	
Appointments to office. Message from the President of the United States transmitting statement from heads of departments, giving names of all	10	67	
Architect of the Capitol extension. Report of the	2	1	557
Attorney General of the United States. Relative to the case of A. B. Morey, letter from the	7	40	
Auditor of the Treasury for the Post Office Department, of the operations of his office for the fiscal year ending June 30, 1866. Annual report of the Sixth	4	1	74
B.			
Banking associations. Letter from the Secretary of the Treasury relative to the amount of taxes annually paid by	11	73	
Banking associations. Letter from the Secretary of the Treasury relative to same subject as above	11	98	
Banking associations, national. Report of the Comptroller of the Currency, with table of abstract of quarterly reports of	5	3	1
Bills allowed to become laws. Letter from the Secretary of State relative to	10	69	
Bills allowed to become laws. Letter from the Secretary of State relative to	11	104	
Bouton, R. M., and H. M. Fisher. Message from the President of the United States relative to the case of	11	110	
Brazilian steamers. Letter from the Postmaster General relative to ocean mail service by	7	33	
British provinces. Letter from the Secretary of State relative to revenue trade and commerce with the	11	78	

Title.	Vol.	No.	Page.
Browne, J. Ross, relative to mineral resources west of the Rocky Mountains. Letter from the Secretary of the Treasury transmitting the report of	7	29	
Bureau of Immigration. Letter from the Secretary of State transmitting the report of the	7	39	
Bureau of Refugees, Freedmen and Abandoned Lands. Letter from the Secretary of War relative to funds received by the	5	7	
Bureau of Refugees, Freedmen and Abandoned Lands. Message from the President of the United States transmitting the report of the Secretary of War relative to the operations of the	3	1	705
Bureau of Military Justice. Report of the chief of the	3	1	45
C.			
Cadiz, Spain. Message from the President of the United States relative to the importation of wines from	11	103	
Candia. Message of the President relative to the revolution in	7	38	
Capitol extension. Report of the architect of the	2	1	557
Captured and forfeited cotton. Message from the President of the United States relative to	11	97	
Church, American Protestant, at Rome. Message from the President of the United States relative to the removal from the American embassy at Rome of the	10	57	
Church, American Protestant, at Rome. Message from the President of the United States of like import as above	11	115	
Clerks in the Treasury Department. Letter from the Secretary of the Treasury, transmitting a report of the disbursement of the fund appropriated to	6	22	
Clerks in the Treasury Department. Letter from the Secretary of the Treasury relative to the disbursement of the funds appropriated as extra compensation to	7	30	
Clerks of the federal courts. Message from the President of the United States relative to, and the marshal of the district of North Carolina	7	48	
Clerks to postmasters, letter from the Secretary of the Treasury relative to salary tax upon	11	99	
Clerks in the Treasury Department. Letter from the Secretary of the Treasury, transmitting list of names of	11	100	
Coast Survey. Report of the Superintendent of the	14	87	
Coast Survey. Letter from the Secretary of the Treasury, transmitting the number of persons employed in the	6	10	
Commercial relations of the United States with foreign nations during the year 1866. Report of the Secretary of State upon the	13	81	
Commissary General of Subsistence of the army. Annual report of the	3	1	374
Commissioner of Public Buildings relative to the sewer through the Botanic garden. Letter from the	7	49	
Commissioner of Public Buildings. Annual report of the	2	1	544
Commissioner of Agriculture. Annual report of the	15	107	
Commissioner of Indian Affairs. Annual report of the	2	1	1
Commissioner of the General Land Office. Annual report of the	2	1	363
Commissioners, special, to Indian tribes. Letter from the Secretary of the Interior, recommending an appropriation to send	11	88	
Commissioner of Patents. Annual report of the	16	109	
Comptroller of the Currency. Annual report of the	5	3	
Constitutional amendment. Message of the President of the United States relative to the ratification of the	11	74	
Constitutional amendment. Message from the President of the United States relative to the ratification of the	11	94	
Contingent fund of the Treasury Department. Letter from the Secretary relative to the disbursement of the	7	42	
Contingent fund of the State Department. Letter from the Secretary of State relative to the disbursement of the	10	59	
Contingent fund of the Navy Department. Letter from the Secretary of the Navy relative to the disbursement of the	10	64	
Contracts by the engineers' department. Letter from the Secretary of War relative to	7	43	

Title.	Vol.	No.	Page.
Contracts for fire-arms since April 1, 1864. Letter from the Secretary of War relative to	8	53	
Contracts by the Quartermaster General's department. Letter from the Secretary of War relative to	7	28	
Contract for printing specifications of patents. Letter from the Secretary of the Interior relative to	11	108	
Contractors for mail service in Tennessee. Letter from the Postmaster General relative to	11	83	
Cotton claims. Letter from the Secretary of the Treasury relative to	11	114	
D.			
Drawback regulations. Letter from the Secretary of the Treasury, transmitting copies of	7	41	
E.			
Emperor of Russia. Message from the President of the United States relative to the attempted assassination of the	11	112	
Engineer, Chief, of the army. Operations of his department during the fiscal year ending June 30, 1866. Annual report of the	3	1	414
Engineer, Chief, relative to the improvement of the harbor at Chicago. Letter from the Secretary of War, transmitting the report of the	6	21	
Engineer, Chief, relative to the surveys of Rock and Illinois rivers. Letter from the Secretary of War, transmitting the report of the	7	26	
Engineer, Chief, relative to the ship channel of the Patapsco river. Letter from the Secretary of War, transmitting the report of the	7	44	
Engineer, Chief, relative to certain public works. Letter from the Secretary of War, transmitting the report of the	9	56	
Engineer, Chief, relative to the surveys of the Upper Mississippi. Letter from the Secretary of War, transmitting the report of General Warren and of the	10	58	
Engineer, Chief, relative to the survey of St. Clair flats. Letter from the Secretary of War, transmitting report of the	10	62	
Engineer, Chief, relative to the harbor improvements on Lake Michigan. Letter from the Secretary of War, transmitting a report of the	10	70	
Engineer, Chief, relative to the survey of the rapids of the Mississippi. Letter from the Secretary of War, transmitting the report of the	11	79	
Engineer, Chief, relative to the harbor at Ontonagon. Letter from the Secretary of War, transmitting the report of the	11	80	
Engineer, Chief, relative to the harbor at Plattsburg. Letter from the Secretary of War, transmitting the report of the	11	89	
Engineer, Chief, relative to the survey at Hell Gate, New York. Letter from the Secretary of War, transmitting the report of the	11	90	
Engineer, Chief, relative to the survey of the Kennebec and Penobscot rivers. Letter from the Secretary of War, transmitting the report of the	11	91	
Estimates of appropriations for the Post Office Department for the fiscal year ending June 30, 1868. Letter from the Postmaster General, transmitting	6	19	
Estimates of additional appropriations required to complete the service of the fiscal year ending June 30, 1867, and previous years	4	2	4
Estimates of appropriations required to meet deficiencies for the fiscal year commencing on the 1st day of July, 1866, and ending 30th day of June, 1867	4	2	6
Estimates of appropriations, specific and indefinite, made by former acts of Congress, which may be required for the service of the last three quarters of the fiscal year ending June 30, 1867	4	2	7
Estimates of appropriations required for the service of the fiscal year ending June 30, 1868	4	2	10
Estimates of appropriations for per diem and mileage of senators, and for the support of the office of the Secretary of the Senate, per act of July 28, 1868, for the year ending June 30, 1868	4	2	10
Estimates of appropriations for per diem and mileage of the members of the House of Representatives and delegates from the Territories, per 17th section of the act of July 28, 1866, for the fiscal year ending June 30, 1868	4	2	11

Title.	Vol.	No.	Page.
Estimates for the office of the Superintendent of Public Printing for the year ending June 30, 1868	4	2	13
Estimates for the support of the Library of Congress for the year ending June 30, 1868	4	2	14
Estimates of appropriations for the support of the executive department for the year ending June 30, 1868	4	2	15
Estimates of appropriations for the support of the State Department for the year ending June 30, 1868	4	2	15
Estimates of appropriations for the general purposes of the northeast executive building for the year ending June 30, 1868	4	2	17
Estimates of appropriations for the support of the Treasury Department for the year ending June 30, 1868	4	2	17
Estimates of appropriations for the support of the Interior Department for the year ending June 30, 1868	4	2	30
Estimates of appropriations for the support of the General Land Office for the fiscal year ending June 30, 1868	4	2	31
Estimates of appropriations for the support of the Indian Office for the year ending June 30, 1868	4	2	32
Estimates of appropriations for the support of the Pension Office for the year ending June 30, 1868	4	2	32
Estimates of appropriations for incidental and contingent expenses of the Interior Department for the year ending June 30, 1868	4	2	33
Estimates of appropriations for the support of the War Department for the year ending June 30, 1868	4	2	35
Estimates of appropriations for the support of the office of the Adjutant General for the year ending June 30, 1868	4	2	36
Estimates of appropriations for the support of the office of the Quartermaster General for the year ending June 30, 1868	4	2	37
Estimates of appropriations for the support of the office of the Paymaster General for the year ending June 30, 1868	4	2	37
Estimates of appropriations for the support of the office of the Commissary General for the year ending June 30, 1868	4	2	38
Estimates of appropriations for the support of the office of the Surgeon General for the year ending June 30, 1868	4	2	39
Estimates of appropriations for the support of the office of the Chief Engineer for the year ending June 30, 1868	4	2	39
Estimates of appropriations for the office of the Chief of Ordnance for the year ending June 30, 1868	4	2	40
Estimates of appropriations for the support of the office of Military Justice for the year ending June 30, 1868	4	2	41
Estimates of appropriations for the support of the office of the Signal Corps for the year ending June 30, 1868	4	2	41
Estimates of appropriations for the support of the office of the Inspector General for the year ending June 30, 1868	4	2	41
Estimates of appropriations for the incidental and contingent expenses of the War Department for the year ending June 30, 1868	4	2	41
Estimates of appropriations for the purposes of the northwest executive building for the year ending June 30, 1868	4	2	42
Estimates of appropriations for the purposes of the building corner of Seventeenth and F streets for the year ending June 30, 1868	4	2	42
Estimates of appropriations for the purposes of the building corner of Fifteenth and F streets for the year ending June 30, 1868	4	2	43
Estimates of appropriations for the support of the Navy Department for the year ending June 30, 1868	4	2	43
Estimates of appropriations for the support of the Bureau of Yards and Docks for the year ending June 30, 1868	4	2	43
Estimates of appropriations for the support of the Bureau of Equipment and Recruiting for the year ending June 30, 1868	4	2	43
Estimates of appropriations for the support of the Bureau of Navigation for the year ending June 30, 1868	4	2	44
Estimates of appropriations for the support of the Bureau of Ordnance for the year ending June 30, 1868	4	2	44
Estimates of appropriations for the support of the Bureau of Construction and Repair for the year ending June 30, 1868	4	2	45
Estimates of appropriations for the support of the Bureau of Steam Engineering for the year ending June 30, 1868	4	2	45

Title.	Vol.	No.	Page.
Estimates of appropriations for the support of the Bureau of Provisions and Clothing for the year ending June 30, 1868	4	2	45
Estimates of appropriations for the support of the Bureau of Medicine and Surgery for the year ending June 30, 1868	4	2	46
Estimates of incidental and contingent expenses of the War Department for the year ending June 30, 1868	4	2	46
Estimates of appropriations for the general purposes of the southwest executive building for the year ending June 30, 1868	4	2	47
Estimates of appropriations for the support of the Post Office Department for the year ending June 30, 1868	4	2	47
Estimates of appropriations for contingent expenses of the Post Office Department for the year ending June 30, 1868	4	2	48
Estimates of appropriations for the support of the Department of Agriculture for the year ending June 30, 1868	4	2	48
Estimates of appropriations for the support of the Mint of the United States and branches and assay office in New York for the year ending June 30, 1868	4	2	49
Estimates of appropriations for the support of the governments in the Territories for the year ending June 30, 1868	4	2	52
Estimates of appropriations for the support of the judiciary for the year ending June 30, 1868	4	2	55
Estimates of appropriations for the expenses of intercourse with foreign nations for the year ending June 30, 1868	4	2	62
Estimates of appropriations for miscellaneous purposes for the year ending June 30, 1868	4	2	64
Estimates of appropriations for the support of the survey of the coast for the year ending June 30, 1868	4	2	65
Estimates of appropriations for the support of the light-house establishment for the year ending June 30, 1868	4	2	65
Estimates of appropriations to be expended under the direction of the Department of the Interior for the year ending June 30, 1868	4	2	69
Estimates of appropriations for the support of public buildings and grounds for the year ending June 30, 1868	4	2	69
Estimates of appropriations for the support of the Smithsonian Institution for the year ending June 30, 1868	4	2	72
Estimates of appropriations for the support of the jail in the District of Columbia for the year ending June 30, 1868	4	2	73
Estimates of appropriations for the support of the government hospital for the insane for the year ending June 30, 1868	4	2	73
Estimates of appropriations for the support of the Metropolitan Police for the year ending June 30, 1868	4	2	73
Estimates of appropriations for the support of the Patent Office for the year ending June 30, 1868	4	2	73
Estimates of appropriations for the support of the Columbian Institution for the Deaf and Dumb for the year ending June 30, 1868	4	2	73
Estimates of appropriations for expenses of the collection of revenues from sales of public lands for the year ending June 30, 1868	4	2	73
Estimates of appropriations for surveying the public lands for the year ending June 30, 1868	4	2	74
Estimates of appropriations for the support of the engineer's office, Department of the Interior, for the year ending June 30, 1868	4	2	75
Estimates of appropriations for the payment of pensions for the year ending June 30, 1868	4	2	75
Estimates of appropriations for the support of the Indian department for the year ending June 30, 1868	4	2	75
Estimates of appropriations for the payment of annuities to Indian tribes during the year ending June 30, 1868	4	2	76
Estimates of appropriations for the general and incidental expenses of the Indian service for the year ending June 30, 1868	4	2	78
Estimates of appropriations to be expended under the direction of the War Department for the year ending June 30, 1868	4	2	83
Estimates of appropriations for the support of the army proper for the year ending June 30, 1868	4	2	83
Estimates of appropriations for the support of armories and arsenals, and for munitions of war for which estimates were made last year, for the year ending June 30, 1868	4	2	83

Title.	Vol.	No.	Page.
Estimates of appropriations for the support of the Military Academy for the year ending June 30, 1868	4	2	84
Estimates of appropriations for fortifications and other works of defence for the year ending June 30, 1868	4	2	85
Estimates of appropriations for the support of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the year ending June 30, 1868	4	2	86
Estimates of appropriations to be expended under the direction of the Navy Department for the year ending June 30, 1868	4	2	87
Estimates of appropriations for the support of the navy proper for the year ending June 30, 1868	4	2	87
Estimates of appropriations for the support of the marine corps for the year ending June 30, 1868	4	2	87
Estimates of appropriations for the support of navy yards for the fiscal year ending June 30, 1868	4	2	87
Estimates of appropriations for the support of naval hospitals for the year ending June 30, 1868	4	2	88
Estimates of appropriations for miscellaneous purposes of the Navy Department for the year ending June 30, 1868	4	2	88
F.			
Finances for the fiscal year ending June 30, 1866. Report of the Secretary of the Treasury on the state of the	5	4	
Fire-arms. Letter from the Secretary of War relative to contracts made since April, 1864, for	8	53	
Fire-arms, small, manufactured at the Springfield armory and purchased elsewhere. Letter from the Secretary of War relative to	8	54	
Fisher, H. M., and R. M. Bouton. Message from the President of the United States relative to the case of	11	110	
Fraser, Trenholm & Co. Message from the President of the United States relative to the case of	10	63	
Freedmen, Refugees, and Abandoned Lands. Letter from the Secretary of War relative to funds received by the Bureau of	5	7	
Freedmen, Refugees, and Abandoned Lands. Message of the President of the United States transmitting the report of the Secretary of War of the operations of the Bureau of	3	1	705
G.			
Gold mines east of the Rocky mountains. Letter from the Secretary of the Treasury transmitting the report of Special Commissioner James W. Taylor relative to	11	92	17
Government securities. Letter from the Secretary of the Treasury relative to purchase of	8	52	
Grant, U. S., General. Message from the President of the United States transmitting annual report of	3	1	
Grenfel, George Saint Leger. Message of the President of the United States relative to case of	8	50	
H.			
Harbor at Chicago. Letter from the Secretary of War transmitting the report of the Chief of Engineers relative to the	6	21	
Harbor improvements on Lake Michigan. Letter from the Secretary of War transmitting report by the Chief of Engineers relative to the	10	70	
Harbor and river improvements. Letter from the Secretary of War transmitting a report by the Chief of Engineers relative to	9	56	
Harbor at Ontonagon. Letter from the Secretary of War transmitting a report by the Chief of Engineers relative to the	11	80	
Harbor at Plattsburg. Letter from the Secretary of War transmitting a report of the Chief of Engineers relative to the	11	89	
Hazen, General, and General Rusling. Letter from the Secretary of War transmitting reports of inspection made by	7	45	
Hell Gate, New York. Letter from the Secretary of War transmitting a report of the Chief of Engineers relative to a survey of	11	90	

Title.	Vol.	No.	Page.
Horses seized by United States authorities in the State of Indiana. Letter from the Secretary of War relative to claims for	7	32	
Hot Springs reserve, in Arkansas. Message of the President of the United States relative to the	11	82	
I.			
Immigration, Bureau of	7	39	
Indian Affairs. Annual report of the Commissioner of	2	1	1
Papers accompanying the above.			
WASHINGTON SUPERINTENDENCY.			
No. 1. Letter from C. A. Huntingdon, chief clerk	2	1	67
No. 2. Letter from Henry A. Webster, Makah agency	2	1	67
No. 3. Report of John T. Knox, Olympia agency	2	1	69
No. 4. Report of Henry A. Webster, Neeah Bay agency	2	1	70
No. 5. Letter from W. H. Waterman, superintendent	2	1	71
No. 6. Letter from George A. Paige, acting agent	2	1	73
OREGON SUPERINTENDENCY.			
No. 7. Report of J. W. P. Huntingdon, superintendent	2	1	73
No. 8. Report of Amos Harvey, Grande Ronde agency	2	1	80
No. 9. Report of J. B. Clark, teacher, Grande Ronde agency	2	1	82
No. 10. Report of John Smith, Warm Springs agency	2	1	83
No. 11. Report of J. U. D. Gillett, teacher, Warm Springs agency	2	1	84
No. 12. Report of G. W. Collins, Alsea sub-agency	2	1	85
No. 13. Report of Benjamin Simpson, Siletz agency	2	1	85
No. 14. Report of W. H. Barnhart, Umatilla agency	2	1	86
No. 15. Report of A. S. White, superintendent of farming, Umatilla reserve	2	1	88
No. 15 A. Report of Father Warneersch, principal teacher for the Walla-Walla, Cayuse, and Umatilla tribes	2	1	88
No. 15 B. Report of Lindsay Applegate, Ashland Mills sub-agency	2	1	89
CALIFORNIA SUPERINTENDENCY.			
No. 16. Report of Charles Maltby, superintendent	2	1	91
No. 17. Report of Robert L. Stockton, Hoopa Valley Reserve agency	2	1	95
No. 18. Report of B. L. Fairfield, Round Valley Reservation agency	2	1	97
No. 19. Report of George J. Hoffman, special agent, Tule River farm	2	1	98
No. 20. Report of G. Kingsbury, special agent, Smith River reserve	2	1	98
No. 21. Letter from Charles Maltby, superintendent	2	1	99
No. 21 A. Letter from William Bryson, agent, Smith River reservation	2	1	100
No. 21 B. Letter of Charles Maltby, superintendent	2	1	100
No. 21 C. Report of William Bryson, agent, Smith River reservation	2	1	101
No. 21 D. Letter from Charles Maltby, superintendent	2	1	101
No. 22. Report of J. Q. A. Stanley, special agent, Los Angeles	2	1	102
No. 23. Communication from Charles Maltby, superintendent	2	1	103
No. 24. Communication from D. N. Cooley, superintendent of Indian affairs	2	1	104
ARIZONA SUPERINTENDENCY.			
No. 25. Report of Geo. W. Leihy, superintendent	2	1	108
No. 26. Letter of H. Ehrenberg on proposed reservations	2	1	109
No. 27. Special Agent Feudge's report, July, 1866	2	1	111
No. 28. Dr. C. H. Lord's report, Papagos, &c	2	1	111
NEVADA SUPERINTENDENCY.			
No. 29. Superintendent Parker's annual report	2	1	113

Title.	Vol.	No.	Page.
No. 30. Agent Campbell's annual report	2	1	117
No. 31. Report of farmer, Truckee River reservation	2	1	120
No. 32. Superintendent Parker's letter relative to trespassers	2	1	121
No. 33. Superintendent Parker's estimates for manual labor	2	1	122
UTAH SUPERINTENDENCY.			
No. 34. Superintendent Head's annual report	2	1	122
No. 35. Agent Mann's report, Fort Bridger agency	2	1	127
No. 36. Superintendent Head's letter, visit of Washakee	2	1	128
No. 37. Superintendent Head's letter relative to Indian hostilities	2	1	128
No. 38. Superintendent Head's letter relative to same subject	2	1	129
No. 39. Superintendent Head's letter relative to increase of salaries	2	1	131
NEW MEXICO SUPERINTENDENCY.			
No. 40. Report of J. K. Graves, special agent	2	1	131
No. 41. Abstract of papers accompanying same	2	1	135
No. 42. Office report on estimates for expenses of Bosque Redondo reservation	2	1	142
No. 43. Annual report of Superintendent Norton. (Extracts)	2	1	144
No. 44. Special Agent Ward's report, Pueblos. (Extracts)	2	1	148
No. 45. Agent Dodd's report, Navajoes. (Extracts)	2	1	148
No. 46. Report of surgeon United States army hospital, Bosque Redondo	2	1	151
No. 47. Superintendent Norton's report relative to Comanches	2	1	151
No. 48. Superintendent Norton's report relative to hostilities by Utes	2	1	152
No. 49. Memorial of legislature relative to depredations	2	1	152
COLORADO SUPERINTENDENCY.			
No. 50. Annual report of Governor Cummings, superintendent *ex officio*	2	1	153
No. 51. Letter of Governor Cummings, February 14, 1866	2	1	156
No. 52. Report of Agent Oakes, February 12, 1866	2	1	157
No. 53. Letter of Governor Cummings, June 9, 1866	2	1	159
No. 54. Instructions to Governor Cummings, July 22, 1866	2	1	159
No. 55. Correspondence relative to recent hostilities	2	1	160
DAKOTA SUPERINTENDENCY.			
No. 56. Report of Major General Corse, January 11, 1866, dispositions for peace	2	1	162
No. 57. Report of Governor Edmunds, February 15, 1866, suffering of Indians	2	1	162
No. 58. Report of Special Agent Day, March 5, 1866, suffering of Indians	2	1	164
No. 59. Report of Governor Edmunds, March 7, 1866, suffering of Indians	2	1	165
No. 60. Report of Agent Hanson, traffic in liquor	2	1	166
No. 61. Office reply to Agent Hanson	2	1	166
No. 62. Report of Governor Edmunds relative to settlement of Sioux and Crow Creek	2	1	166
No. 63. Letter of General Curtis, May 30, 1866, relative to conduct of Indians	2	1	167
No. 64. Report of northwestern treaty commissioner to Upper Missouri Indians	2	1	168
No. 65. Annual report of Governor Edmunds, superintendent *ex officio*	2	1	176
No. 66. Resolution of House of Representatives relative to Dakota agencies	2	1	180
No. 67. Report of Special Agent Johnston relative to Yancton agency	2	1	180
No. 68. Report of Special Agent Graves relative to Yancton agency	2	1	185
No. 69. Request of Agent Conger for medals for Yancton chiefs	2	1	186
No. 70. Annual report of Agent Potter, Poncas	2	1	186

Title.	Vol.	No.	Page.
IDAHO SUPERINTENDENCY.			
No. 71. Report of Governor Lyon, March 1, 1866	2	1	187
No. 72. Report of Special Agent Hough	2	1	188
No. 73. Annual report of Governor Ballard, superintendent *ex officio*	2	1	190
No. 74. Letters relative to proposed reservation for Spokanes	2	1	192
No. 75. Agent O'Neill's annual report, Nez Percés agency	2	1	193
No. 76. Report of farmer at Nez Percés agency	1	2	195
MONTANA SUPERINTENDENCY.			
No. 77. Report of Acting Governor Meagher, December 14, 1865	2	1	196
No. 77½. Correspondence showing hostilities of Blackfeet	2	1	197
No. 78. Letter of Acting Governor Meagher relative to Bannocks and Shoshones	2	1	199
No. 79. Letter of Agent Chapman relative to removal of Flathead agency	2	1	200
No. 80. Letter of Agent Chapman relative to Hudson Bay Company trade	2	1	201
No. 80 A. Office reply to Agent Chapman	2	1	201
No. 81. Report of H. D. Upham, in charge of Blackfeet agency	2	1	202
No. 82. Report of Agent Wright, August 30, 1866. Blackfeet agency	2	1	204
NORTHERN SUPERINTENDENCY.			
No. 83. Letter of Colonel Maynadier, January 25, 1866, Fort Laramie	2	1	204
No. 84. Major General Pope to Secretary of Interior, February 12, 1866	2	1	206
No. 85. Major General Dodge to General Pope, March 12, 1866	2	1	206
No. 86. Colonel Maynadier's letter, burial of a daughter of a Sioux chief	2	1	207
No. 87. Report of treaty commission at Fort Laramie	2	1	208
No. 88. Agent Patrick's report, Upper Platte agency	2	1	209
No. 89. Superintendent Taylor's annual report	2	1	210
No. 90. Agent Mathewson's report, Winnebago agency	2	1	213
No. 91. Agent Furnas's report, Omaha agency	2	1	214
No. 92. Report of teacher, Omaha agency	2	1	216
No. 93. Report of Superintendent Taylor, allotments at Omaha agency	2	1	217
No. 94. Agent Smith's report, Ottoe and Missouri agency	2	1	218
No. 95. Agent Norris's report, Great Nemaha agency	2	1	219
No. 96. Report of Agent Wheeler. Attack by Sioux upon Pawnees	2	1	220
No. 97. Letter of Superintendent Taylor relative to reported Indian hostilities	2	1	222
No. 98. Letter of General Cloud to the superintendent, charging hostilities upon Pawnees and other tribes, and reply papers relating to the Santee Sioux	2	1	222
No. 99. Recommendations of Superintendent Taylor, February 20, 1866	2	1	223
No. 100. Withdrawal from sale of lands at Niobrara	2	1	224
No. 101. Letter of Rev. H. W. Reed relative to removal of Indians	2	1	224
No. 102. Office report, April 20, 1866 relative to disposition, Santee Sioux matters and funds	2	1	225
No. 102 A. Draught of proposed bill	2	1	228
No. 103. Letter of Hon. W. A. Burleigh to President, protesting against removal of Indians	2	1	229
No. 104. Office report on same	2	1	229
No. 105. Report of Rev. H. W. Reed relative to Indians at Crow creek	2	1	231
No. 106. Office report relative to Sioux, in answer to resolution of House of Representatives	2	1	232
No. 107. Instruction to Special Agent Kilpatrick to take charge of Sioux released at Davenport	2	1	233
No. 108. Report of Special Agent Kilpatrick	2	1	234
No. 109. Letter of Commissioner of Land Office relative to Niobrara reservation	2	1	235
No. 110. Report of special Agent Adams relative to friendly Sioux of Minnesota	2	1	235
No. 111. Report of same, June 26, 1866	2	1	236
No. 111 A. Letter of Right Rev. A. B. Whipple; claims of friendly Sioux	2	1	237
No. 112. Letter of northwestern treaty commissioners relative to J. R. Browne	2	1	240

Title.	Vol.	No.	Page.
No. 113. Annual report of Agent Stone, Santee Sioux agency	2	1	240
No. 114. Report of teacher, Santee Sioux agency	2	1	242
No. 115. Report of farmer, Santee Sioux agency	2	1	243
No. 116. Report of Superintendent Taylor. Preparations for winter, Santee Sioux agency	2	1	244
CENTRAL SUPERINTENDENCY.			
No. 117. Superintendent Murphy's annual report	2	1	244
No. 118. Agent Pratt's annual report, Delaware agency	2	1	247
No. 119. Delaware code of laws	2	1	248
No. 120. Report of teacher, Delaware agency	2	1	252
No. 121. Correspondence relative to Wyandott affairs	2	1	252
No. 122. Report of special agent relative to Wyandotts	2	1	253
No. 123. Agent Adams's annual report	2	1	256
No. 124. Report of special agent. Efforts to make treaty with Kickapoos	2	1	257
No. 125. Agent Abbott's annual report	2	1	258
No. 126. Official report, Ottawa University	2	1	261
No. 127. Communication from Ottawa Indians	2	1	261
No. 128. Agent Palmer's annual report, Pottawatomies	2	1	263
No. 129. Report of teacher, Pottawatomies	2	1	265
No 130. Letter of H. C. Henderson	2	1	266
No. 131. Agent Martin's annual report, Sac and Fox agency	2	1	266
No 132. Report of Special Agent Irwin, investigation at Sac and Fox agency	2	1	269
No. 133. Letter of Agent Martin, Sac and Foxes at Iowa	2	1	271
No. 134. Queries by Chippewas of Kansas as to their status	2	1	271
No. 135. Office reply to above	2	1	272
No. 136. Report of Superintendent Murphy, annuity payment to Sacs and Foxes	2	1	273
No. 137. Agent Farnsworth's annual report. Kansas agency	2	1	274
No. 137 A B. Reports of school at Kansas agency	2	1	275
No. 138. Report of agent relative to Kansas agency school	2	1	276
No. 139. Report of Captain Gordon, U. S. A., March 5, 1866, escort with goods for Arapahoes, &c	2	1	277
No. 140. Report of Major Wynkoop, April 8, 1866, conference with Arapahoes	2	1	278
No. 141. Instructions to Major Wynkoop, July 25, 1866	2	1	278
No. 142. Report of Major Wynkoop, August 11, 1866	2	1	279
No. 143. Report of Agent Taylor, Arapahoes, Cheyennes, &c	2	1	280
No. 144. Superintendent Murphy sends letter of Agent Taylor, October 6, 1866	2	1	281
SOUTHERN SUPERINTENDENCY.			
No. 145. Letter from Superintendent Sells, September 30, 1866. No annual report	2	1	282
No. 146. Office report relative to disposition of Indians for territorial government	2	1	283
No. 147. First report of Major General Sanborn, in charge of freedmen	2	1	283
No. 148. Report of Major General Sanborn	2	1	286
No. 149. Final report of Major General Sanborn. Asks to be relieved	2	1	287
GREEN BAY AGENCY.			
No. 150. Agent Martin's annual report	2	1	287
No. 150 A. Report of teachers of Oneida mission school, Episcopal	2	1	289
No. 150 B. Report of teachers of Oneida mission school, Methodist	2	1	289
No. 150 C. Report of teachers of Stockbridge mission school	2	1	290
No. 150 D E F. Report of teachers of Menomonee schools	2	1	290
No. 150 G H I. Report of farmer, miller, and smith, Menomonee agency	2	1	291
No. 151. Office letter to agent, relief of Stockbridges	2	1	292
No. 152. Department letter, claim of Wisconsin to certain lands	2	1	292

Title.	Vol.	No.	Page.
CHIPPEWAS OF THE MISSISSIPPI.			
No. 153. Agent Clark's annual report	2	1	293
No. 153½. Report on location of new agency	2	1	296
No. 154. Agent's report relative to prosecution for sale of liquor	2	1	296
No. 155. Agent's report relative to the threatened disturbance at Leech lake	2	1	297
No. 156. Agent's report relative to same subject	2	1	297
CHIPPEWAS OF LAKE SUPERIOR.			
No. 157. Agent Webb's report relative to church at Bad river	2	1	298
WNNEBAGOES AND POTTAWATOMIES OF WISCONSIN.			
No. 158. Agent Lamoreux's annual report	2	1	298
MACKINAC AGENCY.			
No. 159. Agent Smith's annual report	2	1	300
No. 160. Memorial of citizens for restoration to market of Indian lands	2	1	302
NEW YORK AGENCY.			
No. 161. Agent Rich's annual report	2	1	302
MISCELLANEOUS PAPERS.			
No. 162. Correspondence relative to taxation of Indian lands	2	1	304
No. 163. Decision of United States Supreme Court in Michigan liquor cases	2	1	307
No. 164. Office report relative to licenses	2	1	310
No. 165. Report relative to Kindergarten schools	2	1	311
No. 166. Enactment of July, 1866 relative to licenses, statistics	2	1	312
No. 167. Indian trust land sales	2	1	323
No. 168. Indian trust funds, 1, 2, 3	2	1	325
No. 169. Liabilities of the United States to Indian tribes	2	1	330
No. 170. Population, schools, individual property, &c	2	1	346
No. 171. Farming statistics, products of industry, &c	2	1	351
No. 172. Recapitulation of statistics of 1866, compared with 1865 and 1864	2	1	359
No. 173. Census for Indian tribes corrected for 1866	2	1	360
INDEX TO APPENDIX, WASHINGTON AGENCY.			
No. 1. Report of Rev. E. C. Chirouse, teacher of Tulalip school	2	1	313
NEW MEXICO.			
No. 2. Report of Agent Romero, Pueblos	2	1	314
MONTANA.			
No. 3. Report of Agent Chapman, Flathead agency	2	1	315
NORTHERN SUPERINTENDENCY.			
No. 4. Annual report of D. H. Wheeler, late agent, Pawnees	2	1	316
No. 5. Annual report of J. B. Maxfield, teacher of Pawnee school	2	1	318
SOUTHERN SUPERINTENDENCY.			
No. 6. Annual report of J. W. Dunn, Creek agent	2	1	318
No. 7. Statistics of Creek agency	2	1	320
No. 8. Annual report of George A. Reynolds, Seminole agency	2	1	320
No. 9. Statistics of Seminole agency	2	1	322
No. 10. Annual report of H. Shanklin, Wichita agency	2	1	322

Title.	Vol.	No.	Page.
Indian hostilities. Letter from the Secretary of War relative to accounts for the suppression of	5	5	
Ingalls, Rufus, General. Letter from the Secretary of War, transmitting a report of inspection by	10	111	
Insane hospital. Report of the boards of visitors of the	2	1	569
Internal Revenue. Annual report of the Commissioner of	9	55	
Internal Revenue. Letter from the Secretary of the Treasury relative to collections of, in the first district of Illinois for penalties	7	36	
Interior, annual report of the Secretary of the	2	1	1
Papers accompanying the same.			
Annual report of the Commissioner of Indian Affairs	2	1	1
Annual report of the Commissioner of the General Land Office	2	1	363
Annual report of the Commissioner of Pensions	2	1	513
Annual report of the Commissioner of Public Buildings	2	1	544
Annual report of the architect of the Capitol extension	2	1	557
Annual report of the engineer of the Washington aqueduct	2	1	562
Annual report of the board of visitors of the government hospital for the insane	2	1	569
Annual report of the Columbian Institution for the Deaf and Dumb	2	1	587
Annual report of the Board of Metropolitan Police	2	1	597
Annual report of the warden of the jail in the District of Columbia	2	1	609
Annual report of the board of trustees of the house of correction	2	1	613
Interior, relative to the massacre of troops at Fort Phil. Kearney. Letter of the Secretary of the	11	71	
Interior, relative to sending commissioners to all the Indian tribes. Letter of the Secretary of the	11	88	
Interior, relative to establishing the beginning point of the Union Pacific and Central Pacific railways. Letter of the Secretary of the	11	95	
Interior. Message from the President of the United States relative to removals and appointments in the Department of the	11	113	
Iowa. Message of the President of the United States relative to claims of the State of	10	66	
Island of San Juan. Message of the President of the United States relative to the	6	24	
K.			
Kennebec and Penobscot rivers. Letter from the Secretary of War relative to the survey of the	11	91	
L.			
Lake Michigan. Letter from the Secretary of War relative to harbor improvements on	10	70	
Land Office, General. Annual report of the Commissioner of the	2	1	263
Papers accompanying the above.			
No. 1. Tabular statement showing the number of acres of public lands surveyed up to June 30, 1865, during the last fiscal year, and the total of the public lands surveyed up to June 30, 1866, and also the total area of the public domain, &c	2	1	413
No. 2 A. Statement of the public lands sold, of cash and bounty-land scrip received therefor; number of acres entered under the homestead law of May 20, 1862; of commissions received under sixth section of said act, &c	2	1	414
No. 2 B. Statement of public lands sold, of cash and bounty-land scrip received therefor; number of acres entered under the homestead law of May 20, 1862; of commissions received under the sixth section of said act; also, of land located with scrip under the agricultural college and mechanic act of July 2, 1862, and commissions received by registers and receivers on the value thereof; and statement of incidental expenses thereon, in the second half of the fiscal year commencing July 1, 1865, and ending June 30, 1866	2	1	420

Title.	Vol.	No.	Page.
No. 3. Summary for the fiscal year ending June 30, 1866, showing the number of acres disposed of for cash, with bounty land scrip, by entry under the homestead laws of May 20, 1862, and March 21, 1864, with aggregate of $10 homestead payments, homestead commissions; also, locations with agricultural college and mechanic scrip under act of July 2, 1862	2	1	426
No. 4. Statement showing the quantity of swamp land selected for the several States under the acts of Congress of March 2, 1849, and September 28, 1850, and March 12, 1860, up to and ending September 30, 1866	2	1	428
No. 5. Statement exhibiting the quantity of swamp land approved to the several States under the acts of Congress of March 2, 1849, September 28, 1850, and March 12, 1860, up to and ending September 30, 1866	2	1	428
No. 6. Statement exhibiting the quantity of swamp land patented to the several States under the acts of Congress of September 28, 1850, and March 12, 1860, and also the quantity certified to the State of Louisiana under act of March 2, 1849	2	1	429
No. 7. Exhibit of bounty land business under acts of 1847, 1850, 1852, and 1855, showing the issue and locations from the commencement of the operations under said acts to June 30, 1866	2	1	429
No. 8. Estimates of appropriations required for the office of the Commissioner of the General Land Office for the fiscal year ending June 30, 1868	2	1	430
No. 9. Estimates of appropriations for the surveying department for the fiscal year ending June 30, 1868	2	1	434
No. 10. Estimates of appropriations required for surveying the public lands for the fiscal year ending June 30, 1868	2	1	436
No. 11. Reports of surveyor general, A to I, inclusive	2	1	438
No. 12. Agricultural selections within certain States, and also scrip locations under agricultural and mechanic act of July 2, 1862	2	1	505
No. 13. Statement exhibiting land concessions by acts of Congress to States and corporations for railroad and military wagon road purposes for the year 1850 to August 1, 1866	2	1	507
No. 14. Statement exhibiting land concessions by acts of Congress to States for canal purposes from the year 1827 to August 1, 1866	2	1	511
No. 15. Set of twenty-two maps of all the public land States and Territories, to wit: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Dakota, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Kansas and Nebraska, Colorado, New Mexico and Arizona, Utah, Nevada, California, Oregon, and Washington Territory	2	1	
No. 16. Connected map of the United States from ocean to ocean, exhibiting the extent of the public surveys, localities, land districts, seats of surveyors general's offices and district officers; also, localities of railroads of general interest, and mineral deposits	2	1	
M.			
Mail contracts in Tennessee. Letter from the Postmaster General relative to certain	11	83	
Marine hospital, at Chicago. Letter from the Secretary of the Treasury in relation to a site for a	6	18	
McCann, Michael. Letter from the Secretary of War transmitting papers relating to the claim of	10	60	
Metropolitan Police. Annual report of the Board of	2	1	596
Mexico, occupation of, by American troops. Message from the President of the United States, relative to	5	8	
Mexico. Message of the President of the United States relative to the attempt of Santa Anna and Ortega to raise armed expeditions against	6	17	
Mexican affairs. Message from the President of the United States relating to	12	76	
Military posts. Letter from the Secretary of War transmitting a report of inspection of	6	20	

Title.	Vol.	No.	Page.
Mineral resources west of the Rocky mountains. Letter from the Secretary of the Treasury transmitting the report of J. Ross Browne, relative to	7	29	
Mississippi river. Letter from the Secretary of War transmitting a report of the Chief of Engineers, relative to the survey of the rapids of the	11	79	
Mississippi river, Upper, and its tributaries. Letter from the Secretary of War transmitting the report of the Chief of Engineers, relative to the survey of the	10	58	
Morey, A. B. Letter from the Attorney General of the United States transmitting papers relative to the case of	7	40	
N.			
Navy, annual report of the Secretary of the	4	1	9
Papers accompanying the same.			
Index to reports	4	1	3
Report of the Superintendent of the Naval Academy	4	1	75
Estimate of appropriations required for the office of the Secretary of the Navy for the fiscal year ending June 30, 1868	4	1	91
Estimate of appropriations for the southwest executive building for the fiscal year ending June 30, 1868	4	1	91
Report of the chief of Bureau of Yards and Docks, with estimates, &c	4	1	94
Report of the chief of Bureau of Navigation, with estimates, &c	4	1	130
Report of the chief of Bureau of Ordnance	4	1	148
Report of the chief of Bureau of Equipment and Recruiting, estimates, &c	4	1	151
Report of the chief of Bureau of Construction and Repairs, estimates, &c	4	1	159
Report of the chief of Bureau of Steam Engineering, estimates, &c	4	1	176
Report of the chief of Bureau of Provisions and Clothing, estimates, &c	4	1	188
Report of the chief of Bureau of Medicine and Surgery, with estimates, &c	4	1	194
Report of the colonel commandant of the marine corps, with estimates, &c	4	1	220
Navy. Letter from the Secretary of the, relative to the navigation of Newark bay and Passaic and Hackensack rivers	6	10	
Navy. Letter from the Secretary of the, transmitting statement of all ordnance and ordnance stores on hand	6	16	
Navy. Message from the President of the United States transmitting a letter from the Secretary of the, relative to amounts charged the State Department for services of vessels belonging to the	7	34	
Navy, transmitting statement of the disbursement of the contingent fund. Letter from the Secretary of the	10	64	
New Mexico. Message from the President of the United States in relation to certain appropriations for the Territory of	11	101	
New Orleans riots. Letter from the Secretary of War relative to the	7	46	
New Orleans riots. Message from the President of the United States transmitting all papers relative to the	10	68	
Norfolk riots. Letter from the Secretary of War relative to	11	72	
O.			
Ocean mail service. Letter from the Postmaster General relative to service by Brazilian steamers of	7	33	
Ontonagon harbor. Letter from the Secretary of War relative to	11	80	
Ordnance and ordnance stores. Letter from the Secretary of the Navy relative to purchases of	6	16	
Ordnance. Letter from the Secretary of War relative to purchases of	7	27	
Ortega and Santa Anna. Message of the President of the United States relative to the attempt to organize armed expeditions within the United States against Mexico by	6	17	

Title.	Vol.	No.	Page.
P.			
Pacific railroads. Letter from the Secretary of the Treasury relative to the amount of bonds issued to the Central and to the Union	2	85	
Pardons by the President. Message from the President of the United States transmitting list of	7	31	
Pardons by the President. Message from the President of the United States transmitting further list of	11	116	
Paris Exposition. Message from the President of the United States transmitting a memorial of the Wisconsin legislature relative to the	11	105	
Patapsco river. Letter from the Secretary of War transmitting the report of the Chief of Engineers relative to the ship channel of the	7	44	
Patents, transmitting the mechanical part of the Patent Office report for the year 1866. Letter from the Commissioner of	16	109	
Pensions. Annual report of the Commissioner of	2	1	512
Papers accompanying the same.			
List of names of examining surgeons, arranged by States	2	1	516
A.—Statement of number and yearly amount of original applications and for increase of army pensions admitted in each State and Tertory for the year ending June 30, 1866	2	1	539
B.—Statement of the amount paid for army pensions at the agencies in the several States and Territories for the year ending June 30, 1866	2	1	540
C.—Statement of the amount of funds in the hands of agents for paying army pensions on the 30th day of June, 1866	2	1	540
D.—Statement of the number and yearly amount of army pensions on the rolls in the several States and Territories on the 30th day of June, 1866	2	1	541
E.—Statement of the number and yearly amount of original applications and for increase of navy pensions admitted in each State and Territory for the year ending June 30, 1866	2	1	542
F.—Statement of the amount paid for navy pensions at the agencies in the several States and Territories for the year ending June 30, 1866	2	1	542
G.—Statement of the amount of funds in the hands of agents for paying navy pensions on the 30th day of June, 1866	2	1	543
H.—Statement of the number and yearly amount of navy pensions on the rolls of each State and Territory on the 30th day of June, 1866	2	1	543
Pickett. Message from the President of the United States relative to the rebel general	6	11	
Plattsburg harbor. Letter from the Secretary of War relative to the survey of	11	89	
Police. Annual report of the Board of Metropolitan	2	1	596
Postmasters. Letter from the Postmaster General relative to the removal of	11	96	
Postmaster General, of the operations of his department during the year 1866. Report of the	4	1	1
Papers accompanying the same.			
Estimates of or expenditures for the fiscal year ending June 30, 1868	4	1	17
Statement showing the operations of the free delivery system for the year 1866	4	1	17
Total operations of the appointment office for the year ending June 30, 1866	4	1	18
Table showing the increase and decrease of post offices in the several States and Territories; also the number at which appointments are made by the President and by the Postmaster General	4	1	19
Post offices at which letter-carriers are employed, with the number and aggregate compensation of the latter at each office	4	1	20
Postage stamps, stamped envelopes, and newspaper wrappers issued during the fiscal year 1865–'66	4	1	21

Title.	Vol.	No.	Page.
A.—Table of mail service for the year ending June 30, 1866, as exhibited by the state of arrangements at the close of the year	4	1	24
B.—Railroad service as in operation June 30, 1866	4	1	26
C.—Steamboat service as in operation September 30, 1866	4	1	46
D.—Table showing the increase and decrease in mail transportation and cost during the year ending June 30, 1866	4	1	50
E.—Table showing the rate of pay per annum for mail transportation in operation in the southern States on the 30th June, 1866, &c	4	1	52
F.—Mail service in operation in southern States September 30, 1866, compared with the condition of the service in the same States November 1, 1865	4	1	52
G.—Southern railroad routes in operation September 30, 1866	4	1	54
Statement of number, kinds, sizes, and cost of mail bags purchased under contracts agreeably to law, and put into service, during the fiscal year ending June 30, 1866	4	1	54
Statement showing operations and results of foreign mail service for the fiscal year ending June 30, 1866	4	1	55
Postal convention between the United States of America and Italy	4	1	57
Postal convention between the United States of America and Venezuela	4	1	61
Statement showing the disposition of letters received containing money during the fiscal year ending June 30, 1866	4	1	71
Statement showing the comparative amounts of money contained in dead letters received at and sent out from the dead letter office for the fiscal year ending June 30, 1866	4	1	71
Statement showing the disposition of letters received containing postage stamps and money in sums less than one dollar during the fiscal year ending June 30, 1866	4	1	72
Statement of letters containing miscellaneous articles received during the fiscal year ending June 30, 1866	4	1	72
Statement of dead letters returned to foreign countries and received from them during the fiscal year ending June 30, 1866	4	1	73
Statement of dead letters other than those above enumerated, sent out for delivery to the writers or owners thereof during the fiscal year ending June 30, 1866	4	1	73
Report of the Auditor of the Treasury for the Post Office Department	4	1	74
Papers accompanying the above.			
No. 1. Statement exhibiting the receipts of the Post Office Department for the fiscal year ending June 30, 1866	4	1	84
No. 2. Statement exhibiting the expenditures of the Post Office Department for the fiscal year ending June 30, 1866	4	1	85
No. 3. Statement of the postal receipts and expenditures of the United States for the fiscal year ending June 30, 1866	4	1	86
No. 4. Statement of the operations of the free delivery system for the fiscal year ending June 30, 1866	4	1	88
No. 5. Miscellaneous payments	4	1	88
No. 6. Summary of principal labors	4	1	96
No. 7. Statement showing the balances due the United States from postmasters in the lately rebellious States, and the amount collected	4	1	97
No. 8. Statement showing the increase of revenues and incidental expenses in the lately rebellious States	4	1	98
No. 8 A. Statement of the postal receipts and expenditures in the eleven States lately in rebellion, for the fiscal year ending June 30, 1866	4	1	98
No. 9. Amount of letter postage on British mails received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	99
No. 10. Amount of letter postage on Prussian mails received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	100
No. 11. Amount of letter postage on French mails received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	101

Title.	Vol.	No.	Page.
No. 12. Amount of letter postage on Belgian mails received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	102
No. 13. Amount of letter postage on Bremen mails received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	103
No. 14. Amount of letter postage on Hamburg mails received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	104
No. 15. Number of letters and newspapers exchanged between the United States and the United Kingdom in British mails during the fiscal year ending June 30, 1866	4	1	105
No. 16. Number of letters and newspapers exchanged between the United States and the kingdom of Prussia, in closed mails, during the fiscal year ending June 30, 1866	4	1	105
No. 17. Number of letters and newspapers exchanged between the United States and France during the fiscal year ending June 30, 1866	4	1	106
No. 18. Number of letters and newspapers exchanged between the United States and Belgium during the fiscal year ending June 30, 1866	4	1	106
No. 19. Number of letters and newspapers exchanged between the United States and Bremen during the fiscal year ending June 30, 1866	4	1	107
No. 20. Number of letters and newspapers exchanged between the United States and Hamburg during the fiscal year ending June 30, 1866	4	1	107
No. 21. Statement of letters and newspapers, with the several postages, received in and sent from the United States to the West India islands during the fiscal year ending June 30, 1866	4	1	107
No. 22. Statement of letters and newspapers, with the several postages, received in and sent from the United States to Panama during the fiscal year ending June 30, 1866	4	1	108
No. 23. Statement of letters and newspapers, with the several postages, received in and sent from the United States to Mexico during the fiscal year ending June 30, 1866	4	1	109
No. 24. Statement of letters and newspapers, with the several postages, received in and sent from the United States to Brazil during the fiscal year ending June 30, 1866	4	1	109
No. 25. Statement of the amount of letter postage on the Nova Scotia and Prince Edward Island mails, received in and sent from the United States during the fiscal year ending June 30, 1866	4	1	109
No. 26. Number of letters and newspapers exchanged between the United States and foreign countries during the fiscal year ending June 30, 1866	4	1	110
No. 27. Amount of postages on mails exchanged between the United States and the British provinces during the fiscal year ending June 30, 1866	4	1	110
No. 28. Amount of postage on foreign dead letters sent from and returned to the United States	4	1	110
No. 29. Balances due the United States on the adjustment of accounts between the United States and Belgium during the fiscal year ending June 30, 1866	4	1	110
No. 30. Prussian closed mail account for the year ending December 31, 1865	4	1	112
No. 31. Canadian closed mail account for the year ending December 31, 1865	4	1	113
No. 32. Honolulu and Vancouver's island closed mail account for the year ending June 30, 1865	4	1	113
No. 33. Belgian closed mail account for the year ending December 31, 1865	4	1	114
No. 34. Havana closed mail account for the year ending December 31, 1865	4	1	114
No. 35. Amounts reported as due the steamers of the Canadian line, for services rendered during the fiscal year ending June 30, 1866	4	1	115

Title.	Vol.	No.	Page.
No. 36. Statement showing the transactions of the money order office of the United States, from July 1, 1865, to June 30, 1866	4	1	116
No. 37. Statement showing the condition of the money order fund at the close of the fiscal year ending June 30, 1866	4	1	117
President of the United States on the state of the Union, with accompanying documents and reports. Annual message of the	1	1	
President of the United States relative to the occupancy of Mexican territory by United States troops. Message of the	5	8	
President of the United States, transmitting a report of the Secretary of State relating to the discovery and arrest of John H. Surratt. Message of the	6	9	
President of the United States relative to rebel General Pickett. Message of the	6	11	
President of the United States relative to the Atchison and Pike's Peak Railroad Company. Message of the	6	13	
President of the United States relative to the attempt of Santa Anna and Ortega to organize armed expeditions within the United States against Mexico. Message of the	6	17	
President of the United States relative to the island of San Juan, in Washington Territory. Message of the	6	24	
President of the United States, transmitting further copies of papers relative to the arrest of John H. Surratt. Message of the	7	25	
President of the United States, transmitting names of persons pardoned, who have been engaged in rebellion. Message of the	7	31	
President of the United States relative to amounts charged to the State Department for services of naval vessels. Message of the	7	34	
President of the United States relative to the occupation of Mexico by the American forces. Message of the	7	37	
President of the United States relative to the revolution in Candia. Message of the	7	38	
President of the United States relative to the clerks of the federal courts and the marshal of the district of North Carolina. Message of the	7	48	
President of the United States relative to the case of George St. Leger Grenfel. Message of the	7	50	
President of the United States relative to the removal of the Protestant church at the American embassy, Rome, Italy, from the city, by order of the government. Message of the	10	57	
President of the United States relative to suits in the English courts, against Fraser, Trenholm & Co. Message of the	10	63	
President of the United States relative to the appointment of a commission relative to claims of the State of Iowa. Message of the	10	66	
President of the United States, transmitting a statement from the heads of departments, giving the names of all persons appointed to office, &c. Message of the	10	67	
President of the United States, transmitting all papers relative to the New Orleans riots	10	68	
President of the United States, transmitting list of States which have ratified the constitutional amendment. Message of the	11	74	
President of the United States relative to Mexican affairs. Message of the	12	76	
President of the United States relative to the Hot Springs reserve in Arkansas. Message of the	11	82	
President of the United States relative to the visit of Professor Agassiz to Brazil. Message of the	11	86	
President of the United States relative to the States which have ratified the constitutional amendment. Message of the	11	94	
President of the United States relative to captured and abandoned cotton. Message of the	11	97	
President of the United States in relation to certain appropriations for the Territory of New Mexico. Message of the	11	101	
President of the United States relative to the importation of wines from Cadiz, Spain, &c. Message of the	11	103	
President of the United States, transmitting memorial from the legislature of Wisconsin relative to the Paris Exposition. Message of the	11	105	

Title.	Vol.	No.	Page.
President of the United States relative to the attempted assassination of the Emperor of Russia. Message of the	11	112	
President of the United States relative to removals and appointments in the Interior Department. Message of the	11	113	
President of the United States relative to the removal of the American Protestant Church from the city of Rome. Message of the	11	115	
President of the United States relative to persons pardoned by the President. Message of the	11	116	
Printing, Public. Annual report of the Superintendent of	6	14	
Protection across the continent. Letter from the Secretary of War relative to	6	23	
Public Buildings. Annual report of the Commissioner of	2	1	544
Purchase of government securities. Letter from the Secretary of the Treasury, transmitting information required by the act of April 12, 1861, relative to the	8	52	
Q.			
Quartermaster General of the United States. Annual report of the	3	1	46
Quartermaster General. Letter from the Secretary of War relative to contracts by the	7	28	
R.			
Railroad Company, Atchison and Pike's Peak. Message of the President of the United States relative to the	6	13	
Railroad Companies, Central Pacific and Union Pacific. Letter from the Secretary of the Treasury relative to the amount of bonds issued to the	11	85	
Railroad, Union Pacific. Letter from the Secretary of the Treasury relative to the ultimate cost of the	11	93	
Railroads, Union Pacific and Central Pacific. Letter from the Secretary of the Interior relative to the establishment of the beginning point of the	11	95	
Railroad, Augusta and Summerville. Letter from the Secretary of War relative to the	11	102	
Rations to persons not belonging to the army. Letter from the Secretary of War relative to the issue of	11	106	
Revenue. Letter from the Secretary of the Treasury relative to the collection in the first district of Illinois of internal	7	36	
Riots, New Orleans. Letter from the Secretary of War relative to the	7	46	
Riots, New Orleans. Message of the President of the United States, transmitting papers relative to the	10	68	
Riot at Norfolk. Letter from the Secretary of War relative to the	11	72	
River and harbor improvements. Letter from the Secretary of War, transmitting a report by the Chief of Engineers relative to	9	56	
Rivers, Rock and Illinois. Letter from the Secretary of War relative to the survey of the	7	26	
Rivers, Kennebec and Penobscot. Letter from the Secretary of War relative to the survey of the	11	91	
River, Mississippi. Letter from the Secretary of War relative to the survey of the	11	79	
Rome, American Protestant Church at. Message from the President of the United States relative to	10	57	
Rome, American Protestant Church at. Message from the President of the United States relative to	11	115	
Rusling, General, and General Hazen. Letter from the Secretary of War, transmitting reports of inspection made by	7	45	
Russia. Message from the President of the United States relative to the attempted assassination of the Emperor of	11	112	
S.			
Sandy Hook light-house. Letter from the Secretary of War relative to a sunken wreck near the	11	77	

Title.	Vol.	No.	Page.
Santa Anna and Ortega. Message from the President of the United States relative to their attempt to organize armed expeditions against Mexico	6	17	
San Juan. Message from the President of the United States relative to the island of	6	24	
Seamen, American. Letter from the Secretary of State relative to relief and protection of	5	6	
Sewer through Botanic garden. Letter from the Commissioner of Public Buildings and Grounds relative to	7	49	
Signal officer of the army of the operations of his corps for the year ending October 20, 1866	3	702	
Springfield armory. Letter from the Secretary of War, transmitting statement of arms manufactured and repaired and expenditures made at the	7	47	
Springfield armory. Letter from the Secretary of War respecting small-arms manufactured at the	8	54	
State, Secretary of, relative to the protection of American seamen. Letter from the	5	6	
State, Secretary of, relative to the disbursement of contingent fund. Letter from the	10	59	
State, Secretary of, transmitting report of the commercial relations of the United States with foreign countries for the year 1866. Letter from the	13	81	
State, Secretary of, relative to bills allowed to become laws. Letter from the	10	69	
State, Secretary of, relative to same subject as above. Letter from the	11	104	
State of Iowa. Message from the President of the United States relative to claims of the	10	66	
States ratifying the constitutional amendment. Message from the President of the United States relative to	11	74	
States ratifying the constitutional amendment. Message of the President of the United States relative to	11	94	
State of Texas. Letter from the Secretary of War relative to the condition of affairs in the	10	61	
State of Texas. Letter from the Secretary of the Treasury relative to the accounts of the	11	75	
St. Clair flats. Letter from the Secretary of War, enclosing General Cram's report relative to the	10	62	
Steamer Scotland. Letter from the Secretary of War relative to the wreck of the	7	35	
Steamer Evening Star. Letter from the Secretary of the Treasury relative to the loss of the	8	51	
Steamship Illinois. Letter from the Secretary of War relative to the purchase of the	10	65	
Sunken wreck near Sandy Hook light-house. Letter from the Secretary of War relative to a	11	77	
Surratt, John H. Message from the President of the United States relating to the discovery and arrest of	6	9	
Surratt, John H. Message from the President of the United States of same import as above	7	25	
T.			
Tax upon salaries of clerks of postmasters. Letter from the Secretary of the Treasury relative to	11	99	
Taxes paid by banking associations. Letter from the Secretary of the Treasury relative to	11	98	
Taxes paid by banking associations. Letter from the Secretary of the Treasury relative to	11	73	
Taylor, James W., relative to gold mines east of the Rocky mountains. Letter from the Secretary of the Treasury, transmitting the report of	11	92	
Tennessee. Letter from the Postmaster General relative to certain mail contractors in the State of	11	83	

Title.	Vol.	No.	Page.
Texas. Letter from the Secretary of War relative to the condition of affairs in the State of	10	61	
Texas. Letter from the Secretary of the Treasury relative to the accounts of the	11	75	
Treasury, transmitting estimates of additional appropriations for the fiscal year ending June 30, 1867. Letter from the Secretary of the	4	2	
Treasury, transmitting estimates of appropriations required for the service of the fiscal year ending June 30, 1868. Letter from the Secretary of the	4	2	259
(See general index of this document)	4	2	
Treasury, receipts and expenditures of the, for the fiscal year ending June 30, 1866. Letter from the Secretary of the	6	12	
Treasury, transmitting statement of the names of persons employed in, and expenditures of the Coast Survey. Letter from the Secretary of the	6	15	
Treasury, in relation to a site for a marine hospital at Chicago. Letter from the Secretary of the	6	18	
Treasury, relative to the disbursement of the fund appropriated to clerks in Treasury Department. Letter from the Secretary of the	6	22	
Treasury, transmitting a report upon the mineral resources of the States and Territories west of the Rocky mountains. Letter from the Secretary of the	7	29	3
Papers accompanying the same.			
Letter from J. Ross Browne, special commissioner for the collection of mining statistics	7	29	7
Sec. 1. Historical sketch of gold and silver mining on the Pacific slope	7	29	13
Sec. 2. Geological formation, &c., of the Pacific slope	7	29	37
Sec. 3. Condition of gold and silver mining on the Pacific slope	7	29	49
Sec. 4. Resources of Nevada, Oregon, Washington Territory, Utah, Montana, and Idaho	7	29	85
Sec. 5. General view of the mines of Nevada, Washington Territory, Utah, Montana, and Idaho	7	29	123
Sec. 5 A. The copper resources of the Pacific coast	7	29	138
Sec. 6. Quicksilver mines of California	7	29	170
Sec. 7. Borax, sulphur, tin, and coal	7	29	178
Sec. 8. Mining region, population, altitude, &c	7	29	193
Sec. 9. Annotated catalogue of the principal mineral species hitherto recognized in California, and the adjoining States and Territories, by William P. Blake, March, 1866	7	29	200
Sec. 10. Laws and customs of foreign governments in relation to the occupancy of mineral lands and the working of mines	7	29	216
Sec. 11. Mining laws	7	29	226
Sec. 12. Books on California mines	7	29	264
Address on the history of California	7	29	268
Treasury, transmitting a report of the Commissioner of Internal Revenue relative to collections in the first district of Illinois for penalties assessed therein during 1866. Letter from the Secretary of the	7	36	
Treasury, transmitting copies of all drawback regulations prescribed under the internal revenue law. Letter from the Secretary of the	7	41	
Treasury, relative to the disbursement of the contingent fund. Letter from the Secretary of the	7	42	
Treasury, transmitting reports relative to the loss of the steamer Evening Star. Letter from the Secretary of the	8	51	
Treasury, transmitting statement relative to purchase of government securities. Letter from the Secretary of the	8	52	
Treasury, relative to the amount of taxes paid annually by national banking associations. Letter from the Secretary of the	1	73	
Treasury, relative to the accounts of the State of Texas. Letter from the Secretary of the	1	75	
Treasury, relative to revenue, trade, and commerce with the British provinces. Letter from the Secretary of the	11	78	
Treasury, relative to the amount of bonds issued to the Central Pacific, and also to the Union Pacific, Railroad Company. Letter from the Secretary of the	11	85	

Title.	Vol.	No.	Page.
Treasury, transmitting report of James W. Taylor, special commissioner for the collection of statistics upon gold and silver mining east of the Rocky mountains. Letter from the Secretary of the	11	92	
Treasury, relative to the cost of the Union Pacific railroad. Letter of the Secretary of the	11	93	
Treasury, relative to taxes paid by banking associations. Letter from the Secretary of the	11	98	
Treasury, relative to salary tax upon clerks to postmasters. Letter from the Secretary of the	11	99	
Treasury, transmitting list of clerks employed in the department. Letter from the Secretary of the	11	100	
Treasury, relative to cotton claims. Letter from the Secretary of the	11	114	
Treasury, relative to the disbursement of the funds appropriated as extra compensation to clerks in that department. Letter from the Secretary of the	7	30	
Treasury, on the condition of the finances of the government for the year 1866. Annual report of the Secretary of the	5	4	1
Reports and documents accompanying the same.			
Secretary's report	5	4	1
Statement No. 1. Duties, revenues, and public expenditures during the fiscal year ending June 30, 1866	5	4	31
Statement No. 2. Receipts and expenditures for the quarter ending September 30, 1866	5	4	36
Statement No. 3. The indebtedness of the United States	5	4	38
Report of the Commissioner of Internal Revenue	5	4	44
Report of the Comptroller of the Currency	5	4	65
Report of the First Comptroller	5	4	77
Report of the Second Comptroller	5	4	79
Report of the Commissioner of Customs	5	4	82
Report of the First Auditor	5	4	94
Report of the Second Auditor	5	4	95
Report of the Third Auditor	5	4	98
Report of the Fourth Auditor	5	4	121
Report of the Fifth Auditor	5	4	127
Report of the Auditor for the Post Office Department	5	4	158
Report of the Treasurer	5	4	160
Report of the Register	5	4	177
Report of the Solicitor	5	4	181
Report of the Supervising Architect	5	4	188
Report of the Light-house Board	5	4	211
Report of the Superintendent of the Coast Survey	5	4	229
Report of the Director of the Mint	5	4	234
Special report upon the United States branch mint, San Francisco, and matters connected therewith	5	4	255
Statement No. 4. Gold, silver, and copper coinage at the mint of the United States in the several years from its establishment in 1792, and the coinage at the branch mints and the New York assay office, from their organization to June 30, 1866	5	4	270
Statement No. 5. Exports and imports of coin and bullion from 1821 to 1866, inclusive; also the excess of imports and exports during the same year	5	4	273
Instructions to special commissioners to collect mining statistics in the States and Territories west and east of the Rocky mountains	5	4	274
Report of the Supervising Inspector of Steamboats	5	4	276
Special report upon the cause of the loss of the steamer Evening Star	5	4	295
Report of the Director of the Bureau of Statistics	5	4	300
Statement No. 6. Amount of the public debt on the first day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1866	5	4	304
Statement No. 7. Revenue collected from the beginning of the government to June 30, 1866, under the several heads of customs, internal revenue, direct tax, postage, public lands, and miscellaneous sources, with the receipts from loans and treasury notes, *and the total receipts*	5	4	306

Title.	Vol.	No.	Page.
Statement No. 8. Expenditures from the beginning of the government to June 30, 1866, under the several heads of civil lists, foreign intercourse, Navy department, War Department, pensions, Indian department, and miscellaneous, with the interest and principal of the public debt, and total expenditures	5	4	308
Statement No. 9. Domestic exports for the fiscal year ending June 30, 1866	5	4	310
Statement No. 10. Foreign exports for the fiscal year ending June 30, 1866	5	4	314
Statement No. 11. Imports for the fiscal year ending June 30, 1866	5	4	322
Statement No. 12. Foreign tonnage, entrances, and clearances, by districts, for fiscal year ending June 30, 1866	5	4	339
Statement No. 13. Foreign tonnage, entrances and clearances, by countries, for the fiscal year ending June 30, 1866	5	4	340
Statement No. 14. Domestic tonnage, old admeasurement, by districts, for the year 1866	5	4	342
Statement No. 15. Domestic tonnage, new admeasurement, by districts, for the year 1866	5	4	344
Statement No. 16. Gross value of the exports and imports from the beginning of the government to June 30, 1866	5	4	346
Statement No. 17. Foreign merchandise imported, exported, and consumed annually from 1821 to 1866, with the population and rate of consumption *per capita* calculated for each year	5	4	347
Statement No. 18. Value of domestic produce and foreign merchandise, exclusive of specie, exported annually from 1821 to 1866	5	4	348
Statement No. 19. Export of staple products, breadstuffs, provisions, oils, and animal products for seven years	5	4	349
Statement No. 20. Value of leading articles of manufacture exported from 1847 to 1866	5	4	351
Statement No. 21. Amount of tonnage of the United States annually from 1789 to 1866, inclusive; also, the registered and enrolled and licensed tonnage employed in steam navigation each year	5	4	355
Statement No. 22. Amount expended at each custom-house in the United States during the fiscal year ending June 30, 1866	5	4	356
Statement No. 23. Number of persons employed in each district of the United States for the collection of customs during the fiscal year ending June 30, 1866, with their occupation and compensation	5	4	359
Statement No. 24. General results of all receipts and disposal of merchandise within the United States during the fiscal year ending June 30, 1866	5	4	375
Statement No. 25. Liabilities of the United States to various Indian tribes under stipulations of treaties, &c	5	4	377
Statement No. 26. Stocks held in trust by the United States for the Chickasaw national fund and the Smithsonian Institution	5	4	394
V.			
Vessels. Message from the President of the United States relative to amounts charged to the State Department for services of naval	7	34	
W.			
War. Annual report of the Secretary of	3	1	1
Papers accompanying the above.			
Report of General U. S. Grant, commanding army	3	1	17
Report of the Adjutant General	3	1	1
Report of the Inspector General	3	1	32
Report of the Bureau of Military Justice	3	1	45
Report of the Quartermaster General	3	1	46
Papers accompanying the above report.			
No. 1. Financial statement	3	1	66

Title.	Vol.	No.	Page.
No. 2. Report of Brevet Brigadier General James A. Ekin, first division, supply of public animals	3	1	69
No. 3. Report of Brevet Brigadier General James A. Ekin, cavalry bureau	3	1	91
No. 4. Second division, (clothing and equipage,) report of Brevet Brigadier General A. J. Perry	3	1	98
Papers accompanying the same.			
Statement of uniform clothing, camp and garrison equipage not used in depot, June 30, 1866	3	1	108
Statement of damaged and unserviceable articles sold during the fiscal year	3	1	116
Statement of expense on account of clothing, camp and garrison equipage at principal depots during the fiscal year	3	1	119
Statement of articles issued to the Bureau of Refugees, Freedmen, and Abandoned Lands	3	1	119
Statement showing the number of returns of accounts of officers examined and sent to the treasury for final settlement	3	1	120
Statement of claims received	3	1	120
No. 5. Third division, (ocean and lake transportation,) report of Brevet Brigadier General George D. Wise	3	1	121
Papers accompanying the same.			
List of vessels owned	3	1	131
List of vessels chartered	3	1	123
Statement of property sold	3	1	138
Statement of captured vessels during the war	3	1	143
Statement of vessels lost or destroyed during the war	3	1	146
Statement of claims presented, audited, and rejected	3	1	152
No. 6. Fourth division, (rail and river transportation,) report of Colonel Alexander Bliss	3	1	152
Papers accompanying the same.			
Statement showing the number of troops and others and quantities of supplies transported during the fiscal year	3	1	162
Table of payments made during the fiscal year for this transportation	3	1	164
Statement showing names, lengths, &c., and railroads operated by the United States during the war	3	1	165
Statement of number of engines and cars purchased, built, and captured, and disposition made of them	3	1	168
Statement of cost of operating military railroads during the war	3	1	169
Statement of sales of military railroad property for cash and on credit during the fiscal year	3	1	169
Statement of indebtedness of the several railroads for railroad material sold to them by the United States	3	1	170
Statement of cost of materials and labor performed for the construction and maintenance of way on the United States military railroads in the military division of the Mississippi	3	1	172
Statement showing the steamboats, barges, &c., belonging to the United States at the beginning of the fiscal year, their disposition and proceeds of sale	3	1	173
Statement of sales of coal belonging to transportation department on the western waters during the fiscal year	3	1	194
List of boats destroyed on the Mississippi river and its tributaries from May, 1861, to the surrender of General Kirby Smith and cessation of hostilities	3	1	195
List of vessels chartered, impressed, and employed during the fiscal year	3	1	210
Statement exhibiting in detail the number and character of claims received in the fourth division in the fiscal year, and action thereon	3	1	260

Title.	Vol.	No.	Page.
No. 7. Report of Brigadier General D. C. McCallum, director and chief manager of military railroads of the United States during the war	3	1	261
No. 8. Report of Colonel Anson Stager, United States military telegraph	3	1	298
No. 9. Fifth division, (regular supplies quartermaster's department,) report of Brigadier General S. L. Brown	3	1	301
No. 10. Sixth division, (barracks and quarters and cemeteries,) report of Brevet Brigadier General J. J. Dana	3	1	304
Papers accompanying the same.			
Report in relation to cemeteries during the fiscal year	3	1	326
Schedule of actual or contracted or estimated cost of the various items connected with the disinterment and remains of deceased soldiers in various sections of the United States	3	1	330
Circular to chief quartermasters on the subject of burial of soldiers throughout the United States	3	1	331
List of national cemeteries in the neighborhood of Washington and in Virginia under the charge of Lieutenant Colonel James M. Moore, A. Q. M	3	1	332
Extract from report of Captain E. B. Whitman on cemeteries of Middle Tennessee, September 1, 1865	3	1	333
No. 11. Seventh and ninth divisions, (military trains and incidental allowances, records, and correspondence,) report of Brevet Brigadier General B. C. Card	3	1	333
Papers accompanying the same.			
Statement of number and amount of claims received, paid, and remaining on hand in seventh division during the fiscal year	3	1	334
The same from July 1 to September 30, 1866	3	1	334
No. 12. Statement, with tables, of number of wagons, ambulances, carts, harness, &c., purchased, fabricated, captured, sold, and expended during the fiscal year, as shown by reports of officers in the office on the 8th instant	3	1	335
No. 13. Eighth division, (inspection,) report of Brevet Brigadier General G. V. Rutherford	3	1	336
Papers accompanying the same.			
List of principal depots, with names of officers in charge during the fiscal year	3	1	365
List of inspectors of the quartermaster's department during the fiscal year	3	1	366
List of officers who have served as chief quartermasters of armies	3	1	366
List of officers in charge of divisions in the Quartermaster General's office	3	1	366
List of officers who have served as senior and supervising quartermasters of military divisions	3	1	366
List of officers who have served as chief quartermasters of corps	3	1	367
List of officers who have served as chief quartermasters of divisions	3	1	367
List of officers of the quartermaster's department who have been promoted by brevet	3	1	368
Report of the Commissary General of Subsistence	3	1	374
Report of the Surgeon General	3	1	379
Report of the Paymaster General	3	1	390
Report of the Chief of Engineers	3	1	416
Report of the Chief of Ordnance	3	1	653
Report of the Signal Officer	3	1	702
Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands	3	1	705
War, transmitting reports of Quartermaster General, Commissary General, and Paymaster General, as to amounts expended in suppressing Indian hostilities during 1864–'65. Letter from the Secretary of	5	5	

Title.	Vol.	No.	Page.
War, transmitting a report of inspection of military posts. Letter from the Secretary of	6	20	
War, transmitting a report of the Chief of Engineers relative to the improvement of the harbor at Chicago. Letter from the Secretary of	6	21	
War, transmitting information respecting the protection of the routes across the continent to the Pacific from molestation by hostile Indians. Letter from the Secretary of	6	23	
War, transmitting a report on the subject of the surveys of the Rock and Illinois rivers	7	26	
War, relative to purchases by the Ordnance department. Letter from the Secretary of	7	27	
War, relative to contracts by the Quartermaster General's department. Letter from the Secretary of	7	28	
War, relative to claims for horses seized in Indiana by United States authorities. Letter from the Secretary of	7	32	
War, relative to the wreck of the steamer Scotland. Letter from the Secretary of	7	35	
War, relative to contracts by the Engineer department. Letter from the Secretary of	7	43	
War, relative to the ship channel of the Patapsco river. Letter from the Secretary of	7	44	
War, transmitting reports of inspection by Generals Rusling and Hazen. Letter from the Secretary of	7	45	
War, relative to the New Orleans riots. Letter from the Secretary of	7	46	
War, transmitting statement of arms manufactured and repaired, and expenditures made at the Springfield armory. Letter from the Secretary of	7	47	
War, relative to contracts for fire-arms made since April, 1864. Letter from the Secretary of	8	53	
War, relative to small-arms manufactured at the Springfield armory, and purchased elsewhere. Letter from the Secretary of	8	54	
War, transmitting a report by the Chief of Engineers respecting certain public works. Letter from the Secretary of	9	56	
War, transmitting report of the Chief of Engineers, with General Warren's report of the surveys of the Upper Mississippi river and its tributaries. Letter from the Secretary of	10	58	
War, relative to the case of Michael McCann's claim for services of the barge Charles Warner. Letter from the Secretary of	10	60	
War, relative to the condition of affairs in Texas. Letter from the Secretary of	10	61	
War, transmitting General Cram's report on the St. Clair flats. Letter from the Secretary of	10	62	
War, transmitting papers relative to the purchase of the steamship Illinois. Letter from the Secretary of	10	65	
War, transmitting reports relative to harbor improvements on Lake Michigan. Letter from the Secretary of	10	70	
War, transmitting information relative to the riot at Norfolk. Letter from the Secretary of	11	72	
War, transmitting a report of the Chief of Engineers relative to a sunken wreck near Sandy Hook light-house. Letter from the Secretary of	11	77	
War, transmitting a report of the Chief of Engineers of the survey and improvement of the rapids of the Mississippi river. Letter from the Secretary of	11	79	
War, relative to the harbor of Ontonagon. Letter from the Secretary of	11	80	
War, relative to the survey of Plattsburg harbor. Letter from the Secretary of	11	89	
War, transmitting a report of the Chief of Engineers relative to the survey of Hell Gate, New York. Letter from the Secretary of	11	90	
War, transmitting report of the survey and improvement of the Kennebec and Penobscot rivers. Letter from the Secretary of	11	91	
War, transmitting a correspondence between the commandant of the Augusta arsenal and the president of the Augusta and Summerville railroad. Letter from the Secretary of	11	102	
War, relative to the issue of rations to persons not belonging to the army. Letter from the Secretary of	11	106	

Title.	Vol.	No.	Page.
War, transmitting report of General Ingalls's inspection made in 1866. Letter from the Secretary of	11	111	
Warren, Major General G. K., relative to the surveys of the Upper Mississippi river and its tributaries. Report of	10	58	
Wines from Cadiz, Spain. Message from the President of the United States relative to the importation of	11	103	
Y.			
Yards and Docks, of the operations of his bureau during the year ending June 30, 1866. Report of the chief of the Bureau of	4	1	94
Papers accompanying the above report.			
A.—General estimates for yards and docks	4	1	108
No. 1. Estimate for the support of the bureau	4	1	108
No. 2. Estimate for officers and others at yards and stations	4	1	109
No. 3. Statement showing the sums which make up the first item of Yards and Docks A	4	1	111
No. 4. Estimate for improvement and repairs at yards and stations	4	1	112
No. 5. Estimate for repairs of all kinds, showing the sums which make up the amounts under this head in Yards and Docks No. 4	4	1	115
No. 6. Statement of expenditures under the head of contingent during the past fiscal year, and estimates for the same for the fiscal year ending June 30, 1868	4	1	116
No. 7. Estimates of appropriations under the cognizance of the Bureau of Yards and Docks, required for the service of the fiscal year ending June 30, 1868	4	1	118
No. 8. Abstract of offers for supplies for the fiscal year ending June 30, 1867	4	1	119

39TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc No. 1.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE SECOND SESSION

OF

THE THIRTY-NINTH CONGRESS.

PART I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1867.

MESSAGE.

Fellow-citizens of the Senate and House of Representatives:

After a brief interval the Congress of the United States resumes its annual legislative labors. An all-wise and merciful Providence has abated the pestilence which visited our shores, leaving its calamitous traces upon some portions of our country. Peace, order, tranquillity, and civil authority have been formally declared to exist throughout the whole of the United States. In all of the States civil authority has superseded the coercion of arms, and the people, by their voluntary action, are maintaining their governments in full activity and complete operation. The enforcement of the laws is no longer "obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings;" and the animosities engendered by the war are rapidly yielding to the beneficent influences of our free institutions, and to the kindly effects of unrestricted social and commercial intercourse. An entire restoration of fraternal feeling must be the earnest wish of every patriotic heart; and we will have accomplished our grandest national achievement when, forgetting the sad events of the past, and remembering only their instructive lessons, we resume our onward career as a free, prosperous, and united people.

In my message of the 4th of December, 1865, Congress was informed of the measures which had been instituted by the Executive with a view to the gradual restoration of the States in which the insurrection occurred to their relations with the general government. Provisional governors had been appointed, conventions called, governors elected, legislatures assembled, and senators and representatives chosen to the Congress of the United States. Courts had been opened for the enforcement of laws long in abeyance. The blockade had been removed, custom-houses re-established, and the internal revenue laws put in force, in order that the people might contribute to the national income. Postal operations had been renewed, and efforts were being made to restore them to their former condition of efficiency. The States themselves had been asked to take part in the high function of amending the Constitution, and of thus sanctioning the extinction of African slavery as one of the legitimate results of our internecine struggle.

Having progressed thus far, the Executive department found that it had accomplished nearly all that was within the scope of its constitutional authority. One thing however, yet remained to be done before the work of restoration could be completed, and that was the admission to Congress of loyal senators and representatives from the States whose people had rebelled against the lawful authority of the general government. This question devolved upon the respective houses, which, by the Constitution, are made the judges of the elec-

tions, returns, and qualifications of their own members; and its consideration at once engaged the attention of Congress.

In the mean time the Executive department—no other plan having been proposed by Congress—continued its efforts to perfect, as far as was practicable, the restoration of the proper relations between the citizens of the respective States, the States, and the federal government, extending, from time to time, as the public interests seemed to require, the judicial, revenue, and postal systems of the country. With the advice and consent of the Senate, the necessary officers were appointed, and appropriations made by Congress for the payment of their salaries. The proposition to amend the federal Constitution, so as to prevent the existence of slavery within the United States or any place subject to their jurisdiction, was ratified by the requisite number of States; and on the 18th day of December, 1865, it was officially declared to have become valid as a part of the Constitution of the United States. All of the States in which the insurrection had existed promptly amended their constitutions, so as to make them conform to the great change thus effected in the organic law of the land; declared null and void all ordinances and laws of secession; repudiated all pretended debts and obligations created for the revolutionary purposes of the insurrection; and proceeded, in good faith, to the enactment of measures for the protection and amelioration of the condition of the colored race. Congress, however, yet hesitated to admit any of these States to representation; and it was not until towards the close of the eighth month of the session that an exception was made in favor of Tennessee, by the admission of her senators and representatives.

I deem it a subject of profound regret that Congress has thus far failed to admit to seats loyal senators and representatives from the other States, whose inhabitants, with those of Tennessee, had engaged in the rebellion. Ten States—more than one-fourth of the whole number—remain without representation; the seats of fifty members in the House of Representatives and of twenty members in the Senate are yet vacant—not by their own consent, not by a failure of election, but by the refusal of Congress to accept their credentials. Their admission, it is believed, would have accomplished much towards the renewal and strengthening of our relations as one people, and removed serious cause for discontent on the part of the inhabitants of those States. It would have accorded with the great principle enunciated in the declaration of American independence, that no people ought to bear the burden of taxation, and yet be denied the right of representation. It would have been in consonance with the express provisions of the Constitution, that "each State shall have at least one Representative," and "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." These provisions were intended to secure to every State, and to the people of every State, the right of representation in each house of Congress; and so important was it deemed by the framers of the Constitution that the equality of the States in the Senate should be preserved, that not even by an amendment of the Constitution can any State, without its consent, be denied a voice in that branch of the national legislature.

It is true, it has been assumed that the existence of the States was terminated by the rebellious acts of their inhabitants, and that the insurrection having been suppressed, they were thenceforward to be considered merely as conquered territories. The legislative, executive, and judicial departments of the government have, however, with great distinctness and uniform consistency, refused to sanction an assumption so incompatible with the nature of our republican system and with the professed objects of the war. Throughout the recent legislation of Congress the undeniable fact makes itself apparent, that these ten political communities are nothing less than States of this Union. At the very commencement of the rebellion each house declared, with a unanimity as remarkable as it was significant, that the war was not "waged, upon our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects" were "accomplished the war ought to cease." In some instances senators were permitted to continue their legislative functions, while in other instances representatives were elected and admitted to seats after their States had formally declared their right to withdraw from the Union, and were endeavoring to maintain that right by force of arms. All of the States whose people were in insurrection, as States, were included in the apportionment of the direct tax of twenty millions of dollars annually laid upon the United States by the act approved 5th August, 1861. Congress, by the act of March 4, 1862, and by the apportionment of representation thereunder, also recognized their presence as States in the Union; and they have, for judicial purposes, been divided into districts, as States alone can be divided. The same recognition appears in the recent legislation in reference to Tennessee, which evidently rests upon the fact that the functions of the State were not destroyed by the rebellion, but merely suspended; and that principle is, of course, applicable to those States which, like Tennessee, attempted to renounce their places in the Union.

The action of the Executive department of the government upon this subject has been equally definite and uniform, and the purpose of the war was specifically stated in the proclamation issued by my predecessor on the 22d day of September, 1862. It was then solemnly proclaimed and declared that "hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and each of the States and the people thereof, in which States that relation is or may be suspended or disturbed."

The recognition of the States by the judicial department of the government has also been clear and conclusive in all proceedings affecting them as States, had in the Supreme, circuit, and district courts.

In the admission f senators and representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen

when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each house is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two-thirds, expel a member." When a senator or representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the house of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the government and fidelity to the Union. Upon this question, so vitally affecting the restoration of the Union and the permanency of our present form of government, my convictions, heretofore expressed, have undergone no change; but, on the contrary, their correctness has been confirmed by reflection and time. If the admission of loyal members to seats in the respective houses of Congress was wise and expedient a year ago, it is no less wise and expedient now. If this anomalous condition is right now—if, in the exact condition of these States at the present time, it is lawful to exclude them from representation—I do not see that the question will be changed by the efflux of time. Ten years hence, if these States remain as they are, the right of representation will be no stronger—the right of exclusion will be no weaker.

The Constitution of the United States makes it the duty of the President to recommend to the consideration of Congress "such measures as he shall judge necessary or expedient." I know of no measure more imperatively demanded by every consideration of national interest, sound policy, and equal justice than the admission of loyal members from the now unrepresented States. This would consummate the work of restoration, and exert a most salutary influence in the re-establishment of peace, harmony, and fraternal feeling. It would tend greatly to renew the confidence of the American people in the vigor and stability of their institutions. It would bind us more closely together as a nation, and enable us to show to the world the inherent and recuperative power of a government founded upon the will of the people, and established upon the principles of liberty, justice, and intelligence. Our increased strength and enhanced prosperity would irrefragably demonstrate the fallacy of the arguments against free institutions drawn from our recent national disorders by the enemies of republican government. The admission of loyal members from the States now excluded from Congress, by allaying doubt and apprehension, would turn capital, now awaiting an opportunity for investment, into the channels of trade and industry. It would alleviate the present troubled condition of those States, and, by inducing emigration, aid in the settlement of fertile regions now uncultivated, and lead to an increased production of those staples which have added so greatly to the wealth of the nation and commerce of the world. New fields of enterprise would be

opened to our progressive people, and soon the devastations of war would be repaired, and all traces of our domestic differences effaced from the minds of our countrymen.

In our efforts to preserve "the unity of government which constitutes us one people," by restoring the States to the condition which they held prior to the rebellion, we should be cautious, lest, having rescued our nation from perils of threatened disintegration, we resort to consolidation, and in the end absolute despotism, as a remedy for the recurrence of similar troubles. The war having terminated, and with it all occasion for the exercise of powers of doubtful constitutionality, we should hasten to bring legislation within the boundaries prescribed by the Constitution, and to return to the ancient landmarks established by our fathers for the guidance of succeeding generations. "The Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." "If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for" "it is the customary weapon by which free governments are destroyed." Washington spoke these words to his countrymen, when, followed by their love and gratitude, he voluntarily retired from the cares of public life. "To keep in all things within the pale of our constitutional powers, and cherish the federal Union as the only rock of safety," were prescribed by Jefferson as rules of action to endear to his "countrymen the true principles of their Constitution, and promote a union of sentiment and action equally auspicious to their happiness and safety." Jackson held that the action of the general government should always be strictly confined to the sphere of its appropriate duties, and justly and forcibly urged that our government is not to be maintained nor our Union preserved "by invasions of the rights and powers of the several States. In thus attempting to make our general government strong, we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves; in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the centre, but leaving each to move unobstructed in its proper constitutional orbit." These are the teachings of men whose deeds and services have made them illustrious, and who, long since withdrawn from the scenes of life, have left to their country the rich legacy of their example, their wisdom and their patriotism. Drawing fresh inspiration from their lessons, let us emulate them in love of country and respect for the Constitution and laws.

The report of the Secretary of the Treasury affords much information respecting the revenue and commerce of the country. His views upon the currency, and with reference to a proper adjustment of our revenue system, internal as well as impost, are commended to the careful consideration of Congress. In my last annual message I expressed my general views upon these subjects. I need now only call attention to the necessity of carrying into every department of the government a system of rigid accountability, thorough retrenchment, and

wise economy. With no exceptional or unusual expenditures, the oppressive burdens of taxation can be lessened by such a modification of our revenue laws as will be consistent with the public faith and the legitimate and necessary wants of the government.

The report presents a much more satisfactory condition of our finances than one year ago the most sanguine could have anticipated. During the fiscal year ending the 30th June, 1865, the last year of the war, the public debt was increased $941,902,537, and on the 31st of October, 1865, it amounted to $2,740,854,750. On the 31st day of October, 1866, it had been reduced to $2,551,3 0,006, the diminution, during a period of fourteen months, commencing September 1, 1865, and ending October 31, 1866, having been $206,379,565. In the last annual report on the state of the finances it was estimated that during the three quarters of the fiscal year ending the 30th of June last, the debt would be increased $112,194,947. During that period, however, it was reduced $31,196,387, the receipts of the year having been $89,905,905 more, and the expenditures $200,529,235 less than the estimates. Nothing could more clearly indicate than these statements the extent and availability of the national resources, and the rapidity and safety with which, under our form of government, great military and naval establishments can be disbanded, and expenses reduced from a war to a peace footing.

During the fiscal year ending June 30, 1866, the receipts were $558,032,620, and the expenditures $520,750,940, leaving an available surplus of $37,281,680. It is estimated that the receipts for the fiscal year ending the 30th of June, 1867, will be $475,061,386, and that the expenditures will reach the sum of $316,428,078, leaving in the treasury a surplus of $158,633,308. For the fiscal year ending June 30, 1868, it is estimated that the receipts will amount to $436,000,000, and that the expenditures will be $350,247,641—showing an excess of $85,752,359 in favor of the government. These estimated receipts may be diminished by a reduction of excise and import duties; but after all necessary reductions shall have been made, the revenue of the present and of following years will doubtless be sufficient to cover all legitimate charges upon the treasury, and leave a large annual surplus to be applied to the payment of the principal of the debt. There seems now to be no good reason why taxes may not be reduced as the country advances in population and wealth, and yet the debt be extinguished within the next quarter of a century.

The report of the Secretary of War furnishes valuable and important information in reference to the operations of his department during the past year. Few volunteers now remain in the service, and they are being discharged as rapidly as they can be replaced by regular troops. The army has been promptly paid, carefully provided with medical treatment, well sheltered and subsisted, and is to be furnished with breech-loading small-arms. The military strength of the nation has been unimpaired by the discharge of volunteers, the disposition of unserviceable or perishable stores, and the retrenchment of expenditure. Sufficient war material to meet any emergency has been retained, and, from the disbanded volunteers standing ready to respond to the national call, large armies

can be rapidly organized, equipped, and concentrated. Fortifications on the coast and frontier have received, or are being prepared for, more powerful armaments; lake surveys and harbor and river improvements are in course of energetic prosecution. Preparations have been made for the payment of the additional bounties authorized during the recent session of Congress, under such regulations as will protect the government from fraud, and secure to the honorably discharged soldier the well-earned reward of his faithfulness and gallantry. More than six thousand maimed soldiers have received artificial limbs or other surgical apparatus; and forty-one national cemeteries, containing the remains of 104,526 Union soldiers, have already been established. The total estimate of military appropriations is $25,205,669.

It is stated in the report of the Secretary of the Navy that the naval force at this time consists of two hundred and seventy-eight vessels, armed with two thousand three hundred and fifty-one guns. Of these, one hundred and fifteen vessels, carrying one thousand and twenty-nine guns, are in commission, distributed chiefly among seven squadrons. The number of men in the service is thirteen thousand six hundred. Great activity and vigilance have been displayed by all the squadrons, and their movements have been judiciously and efficiently arranged in such manner as would best promote American commerce, and protect the rights and interests of our countrymen abroad. The vessels unemployed are undergoing repairs, or are laid up until their services may be required. Most of the iron-clad fleet is at League island, in the vicinity of Philadelphia, a place which, until decisive action should be taken by Congress, was selected by the Secretary of the Navy as the most eligible location for that class of vessels. It is important that a suitable public station should be provided for the iron-clad fleet. It is intended that these vessels shall be in proper condition for any emergency, and it is desirable that the bill accepting League island for naval purposes, which passed the House of Representatives at its last session, should receive final action at an early period, in order that there may be a suitable public station for this class of vessels, as well as a navy yard of area sufficient for the wants of the service on the Delaware river. The naval pension fund amounts to $11,750,000, having been increased $2,750,000 during the year. The expenditures of the department for the fiscal year ending 30th June last were $43,324,526, and the estimates for the coming year amount to $23,568,436. Attention is invited to the condition of our seamen, and the importance of legislative measures for their relief and improvement. The suggestions in behalf of this deserving class of our fellow-citizens are earnestly recommended to the favorable attention of Congress.

The report of the Postmaster General presents a most satisfactory condition of the postal service, and submits recommendations which deserve the consideration of Congress. The revenues of the department for the year ending June 30, 1866, were $14,386,986, and the expenditures $15,352,079, showing an excess of the latter of $965,093. In anticipation of this deficiency, however, a special appropriation was made by Congress in the act approved July 28, 1866. Including the standing appropriation of $700,000 for free mail matter, as a

legitimate portion of the revenues yet remaining unexpended, the actual deficiency for the past year is only $265,093—a sum within $51,141 of the amount estimated in the annual report of 1864. The decrease of revenue compared with the previous year was one and one-fifth per cent., and the increase of expenditures, owing principally to the enlargement of the mail service in the south, was twelve per cent. On the 30th of June last there were in operation six thousand nine hundred and thirty mail routes, with an aggregate length of one hundred and eighty thousand nine hundred and twenty-one miles, an aggregate annual transportation of seventy-one million eight hundred and thirty-seven thousand nine hundred and fourteen miles, and an aggregate annual cost, including all expenditures, of $8,410,184. The length of railroad routes is thirty-two thousand and ninety-two miles, and the annual transportation thirty million six hundred and nine thousand four hundred and sixty-seven miles. The length of steamboat routes is fourteen thousand three hundred and forty-six miles, and the annual transportation three million four hundred and eleven thousand nine hundred and sixty-two miles. The mail service is rapidly increasing throughout the whole country, and its steady extension in the southern States indicates their constantly improving condition. The growing importance of the foreign service also merits attention. The post office department of Great Britain and our own have agreed upon a preliminary basis for a new postal convention, which it is believed will prove eminently beneficial to the commercial interests of the United States, inasmuch as it contemplates a reduction of the international letter postage to one-half the existing rates; a reduction of postage with all other countries to and from which correspondence is transmitted in the British mail, or in closed mails through the United Kingdom; the establishment of uniform and reasonable charges for the sea and territorial transit of correspondence in closed mails; and an allowance to each post office department of the right to use all mail communications established under the authority of the other for the despatch of correspondence, either in open or closed mails, on the same terms as those applicable to the inhabitants of the country providing the means of transmission.

The report of the Secretary of the Interior exhibits the condition of those branches of the pubic service which are committed to his supervision. During the last fiscal year four million six hundred and twenty-nine thousand three hundred and twelve acres of public land were disposed of, one million eight hundred and ninety-two thousand five hundred and sixteen acres of which were entered under the homestead act. The policy originally adopted relative to the public lands has undergone essential modifications. Immediate revenue, and not their rapid settlement, was the cardinal feature of our land system. Long experience and earnest discussion have resulted in the conviction that the early development of our agricultural resources, and the diffusion of an energetic population over our vast territory, are objects of far greater importance to the national growth and prosperity than the proceeds of the sale of the land to the highest bidder in open market. The pre-emption laws confer upon the pioneer who complies with the terms they impose the privilege

of purchasing a limited portion of "unoffered lands" at the minimum price. The homestead enactments relieve the settler from the payment of purchase money, and secure him a permanent home, upon the condition of residence for a term of years. This liberal policy invites emigration from the Old, and from the more crowded portions of the New World. Its propitious results are undoubted, and will be more signally manifested when time shall have given to it a wider development.

Congress has made liberal grants of public land to corporations, in aid of the construction of railroads and other internal improvements. Should this policy hereafter prevail, more stringent provisions will be required to secure a faithful application of the fund. The title to the lands should not pass, by patent or otherwise, but remain in the government and subject to its control until some portion of the road has been actually built. Portions of them might then, from time to time, be conveyed to the corporation, but never in a greater ratio to the whole quantity embraced by the grant than the completed parts bear to the entire length of the projected improvement. This restriction would not operate to the prejudice of any undertaking conceived in good faith and executed with reasonable energy, as it is the settled practice to withdraw from market the lands falling within the operation of such grants, and thus to exclude the inception of a subsequent adverse right. A breach of the conditions which Congress may deem proper to impose should work a forfeiture of claim to the lands so withdrawn but unconveyed, and of title to the lands conveyed which remain unsold.

Operations on the several lines of the Pacific railroad have been prosecuted with unexampled vigor and success. Should no unforeseen causes of delay occur, it is confidently anticipated that this great thoroughfare will be completed before the expiration of the period designated by Congress.

During the last fiscal year the amount paid to pensioners, including the expenses of disbursement, was thirteen million four hundred and fifty-nine thousand nine hundred and ninety-six dollars; and fifty thousand one hundred and seventy-seven names were added to the pension rolls. The entire number of pensioners June 30, 1866, was one hundred and twenty-six thousand seven hundred and twenty-two. This fact furnishes melancholy and striking proof of the sacrifices made to vindicate the constitutional authority of the federal government, and to maintain inviolate the integrity of the Union. They impose upon us corresponding obligations. It is estimated that thirty-three million dollars will be required to meet the exigencies of this branch of the service during the next fiscal year.

Treaties have been concluded with the Indians, who, enticed into armed opposition to our government at the outbreak of the rebellion, have unconditionally submitted to our authority, and manifested an earnest desire for a renewal of friendly relations.

During the year ending September 30, 1866, eight thousand seven hundred and sixteen patents for useful inventions and designs were issued, and at that date the balance in the treasury to the credit of the patent fund was two hundred and twenty-eight thousand two hundred and ninety-seven dollars.

As a subject upon which depends an immense amount of the production and commerce of the country, I recommend to Congress such legislation as may be necessary for the preservation of the levees of the Mississippi river. It is a matter of national importance that early steps should be taken not only to add to the efficiency of these barriers against destructive inundations, but for the removal of all obstructions to the free and safe navigation of that great channel of trade and commerce.

The District of Columbia, under existing laws, is not entitled to that representation in the national councils which from our earliest history has been uniformly accorded to each Territory established from time to time within our limits. It maintains peculiar relations to Congress, to whom the Constitution has granted the power of exercising exclusive legislation over the seat of government. Our fellow-citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a delegate of their choice should not be admitted to a seat in the House of Representatives. No mode seems so appropriate and effectual of enabling them to make known their peculiar condition and wants, and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a delegate, to be allowed the same rights and privileges as a delegate representing a Territory. The increasing enterprise and rapid progress of improvement in the District are highly gratifying, and I trust that the efforts of the municipal authorities to promote the prosperity of the national metropolis will receive the efficient and generous co-operation of Congress.

The report of the Commissioner of Agriculture reviews the operations of his department during the past year, and asks the aid of Congress in its efforts to encourage those States which, scourged by war, are now earnestly engaged in the reorganization of domestic industry.

It is a subject of congratulation that no foreign combinations against our domestic peace and safety, or our legitimate influence among the nations, have been formed or attempted. While sentiments of reconciliation, loyalty, and patriotism have increased at home, a more just consideration of our national character and rights has been manifested by foreign nations.

The entire success of the Atlantic telegraph between the coast of Ireland and the province of Newfoundland is an achievement which has been justly celebrated in both hemispheres as the opening of an era in the progress of civilization. There is reason to expect that equal success will attend, and even greater results follow, the enterprise for connecting the two continents through the Pacific ocean by the projected line of telegraph between Kamschatka and the Russian possessions in America.

The resolution of Congress protesting against pardons by foreign governments of persons convicted of infamous offences, on condition of emigration to our country, has been communicated to the states with which we maintain intercourse, and the practice, so justly the subject of complaint on our part, has not been renewed.

The congratulations of Congress to the Emperor of Russia, upon his escape from attempted assassination, have been presented to that humane and enlightened ruler, and received by him with expressions of grateful appreciation.

The Executive, warned of an attempt by Spanish-American adventurers to induce the emigration of freedmen of the United States to a foreign country, protested against the project as one which, if consummated, would reduce them to a bondage even more oppressive than that from which they have just been relieved. Assurance has been received from the government of the state in which the plan was matured, that the proceeding will meet neither its encouragement nor approval. It is a question worthy of your consideration, whether our laws upon this subject are adequate to the prevention or punishment of the crime thus meditated.

In the month of April last, as Congress is aware, a friendly arrangement was made between the Emperor of France and the President of the United States for the withdrawal from Mexico of the French expeditionary military forces. This withdrawal was to be effected in three detachments, the first of which, it was understood, would leave Mexico in November, now past, the second in March next, and the third and last in November, 1867. Immediately upon the completion of the evacuation, the French government was to assume the same attitude of non-intervention in regard to Mexico as is held by the government of the United States. Repeated assurances have been given by the Emperor since that agreement that he would complete the promised evacuation within the period mentioned, or sooner.

It was reasonably expected that the proceedings thus contemplated would produce a crisis of great political interest in the republic of Mexico. The newly appointed minister of the United States, Mr. Campbell, was therefore sent forward on the ninth day of November last, to assume his proper functions as minister plenipotentiary of the United States to that republic. It was also thought expedient that he should be attended in the vicinity of Mexico by the lieutenant general of the army of the United States, with the view of obtaining such information as might be important to determine the course to be pursued by the United States in re-establishing and maintaining necessary and proper intercourse with the republic of Mexico. Deeply interested in the cause of liberty and humanity, it seemed an obvious duty on our part to exercise whatever influence we possessed for the restoration and permanent establishment in that country of a domestic and republican form of government.

Such was the condition of our affairs in regard to Mexico when, on the 22d of November last, official information was received from Paris that the Emperor of France had some time before decided not to withdraw a detachment of his forces in the month of November past, according to engagement, but that this decision was made with the purpose of withdrawing the whole of those forces in the ensuing spring. Of this determination, however, the United States had not received any notice or intimation; and, so soon as the information was received by the government, care was taken to make known its dissent to the Emperor of France.

I cannot forego the hope that France will reconsider the subject, and adopt some resolution in regard to the evacuation of Mexico which will conform as nearly as practicable with the existing engagement, and thus meet the just expectations of the United States. The papers relating to the subject will be laid before you. It is believed that, with the evacuation of Mexico by the expeditionary forces, no subject for serious differences between France and the United States would remain. The expressions of the Emperor and people of France warrant a hope that the traditionary friendship between the two countries might in that case be renewed and permanently restored.

A claim of a citizen of the United States for indemnity for spoliations committed on the high seas by the French authorities, in the exercise of a belligerent power against Mexico, has been met by the government of France with a proposition to defer settlement until a mutual convention for the adjustment of all claims of citizens and subjects of both countries, arising out of the recent wars on this continent, shall be agreed upon by the two countries. The suggestion is not deemed unreasonable, but it belongs to Congress to direct the manner in which claims for indemnity by foreigners, as well as by citizens of the United States, arising out of the late civil war, shall be adjudicated and determined. I have no doubt that the subject of all such claims will engage your attention at a convenient and proper time.

It is a matter of regret that no considerable advance has been made towards an adjustment of the differences between the United States and Great Britain arising out of the depredations upon our national commerce and other trespasses committed during our civil war by British subjects, in violation of international law and treaty obligations. The delay, however, may be believed to have resulted in no small degree from the domestic situation of Great Britain. An entire change of ministry occurred in that country during the last session of Parliament. The attention of the new ministry was called to the subject at an early day, and there is some reason to expect that it will now be considered in a becoming and friendly spirit. The importance of an early disposition of the question cannot be exaggerated. Whatever might be the wishes of the two governments, it is manifest that good-will and friendship between the two countries cannot be established until a reciprocity, in the practice of good faith and neutrality, shall be restored between the respective nations.

On the 6th of June last, in violation of our neutrality laws, a military expedition and enterprise against the British North American colonies was projected and attempted to be carried on within the territory and jurisdiction of the United States. In obedience to the obligation imposed upon the Executive by the Constitution, to see that the laws are faithfully executed, all citizens were warned, by proclamation, against taking part in or aiding such unlawful proceedings, and the proper civil, military, and naval officers were directed to take all necessary measures for the enforcement of the laws. The expedition failed, but it has not been without its painful consequences. Some of our citizens who, it was alleged, were engaged in the expedition, were captured, and have been brought to trial as for a capital offence, in the province of Canada.

Judgment and sentence of death have been pronounced against some, while others have been acquitted. Fully believing in the maxim of government that severity of civil punishment for misguided persons who have engaged in revolutionary attempts which have disastrously failed, is unsound and unwise, such representations have been made to the British government, in behalf of the convicted persons, as, being sustained by an enlightened and humane judgment, will, it is hoped, induce in their cases an exercise of clemency, and a judicious amnesty to all who were engaged in the movement. Counsel has been employed by the government to defend citizens of the United States on trial for capital offences in Canada, and a discontinuance of the prosecutions which were instituted in the courts of the United States against those who took part in the expedition has been directed.

I have regarded the expedition as not only political in its nature, but as also in a great measure foreign from the United States in its causes, character, and objects. The attempt was understood to be made in sympathy with an insurgent party in Ireland, and, by striking at a British province on this continent, was designed to aid in obtaining redress for political grievances which, it was assumed, the people of Ireland had suffered at the hands of the British government during a period of several centuries. The persons engaged in it were chiefly natives of that country, some of whom had, while others had not, become citizens of the United States under our general laws of naturalization. Complaints of misgovernment in Ireland continually engage the attention of the British nation, and so great an agitation is now prevailing in Ireland that the British government have deemed it necessary to suspend the writ of *habeas corpus* in that country. These circumstances must necessarily modify the opinion which we might otherwise have entertained in regard to an expedition expressly prohibited by our neutrality laws. So long as those laws remain upon our statute books they should be faithfully executed, and if they operate harshly, unjustly, or oppressively, Congress alone can apply the remedy by their modification or repeal.

Political and commercial interests of the United States are not unlikely to be affected in some degree by events which are transpiring in the eastern regions of Europe, and the time seems to have come when our government ought to have a proper diplomatic representation in Greece.

This government has claimed for all persons not convicted, or accused, or suspected of crime, an absolute political right of self-expatriation, and a choice of new national allegiance. Most of the European states have dissented from this principle, and have claimed a right to hold such of their subjects as have immigrated to and been naturalized in the United States, and afterwards returned on transient visits to their native countries, to the performance of military service in like manner as resident subjects. Complaints arising from the claim in this respect made by foreign states have heretofore been matters of controversy between the United States and some of the European powers, and the irritation consequent upon the failure to settle this question increased during the war in which Prussia, Italy, and Austria were recently engaged. While Great

Britain has never acknowledged the right of expatriation, she has not for some years past practically insisted upon the opposite doctrine. France has been equally forbearing; and Prussia has proposed a compromise, which, although evincing increased liberality, has not been accepted by the United States. Peace is now prevailing everywhere in Europe, and the present seems to be a favorable time for an assertion by Congress of the principle, so long maintained by the executive department, that naturalization by one state fully exempts the native-born subject of any other state from the performance of military service under any foreign government, so long as he does not voluntarily renounce its rights and benefits.

In the performance of a duty imposed upon me by the Constitution, I have thus submitted to the representatives of the States and of the people such information of our domestic and foreign affairs as the public interests seem to require. Our government is now undergoing its most trying ordeal, and my earnest prayer is that the peril may be successfully and finally passed without impairing its original strength and symmetry. The interests of the nation are best to be promoted by the revival of fraternal relations, the complete obliteration of our past differences, and the reinauguration of all the pursuits of peace. Directing our efforts to the early accomplishment of these great ends, let us endeavor to preserve harmony between the co-ordinate departments of the government, that each in its proper sphere may cordially co-operate with the other in securing the maintenance of the Constitution, the preservation of the Union, and the perpetuity of our free institutions.

ANDREW JOHNSON.

WASHINGTON, *December* 3, 1866.

CORRESPONDENCE.

PAPERS

RELATING TO

FOREIGN AFFAIRS.

GREAT BRITAIN.

No.	From whom and to whom.	Date.	Subject.	
		1865.		
1092	Mr. Adams to Mr. Seward.	Nov. 22	Claims growing out of depredations on American commerce. The proposed joint commission declined.	1
1093	.....do	Nov. 22	Claims growing out of the depredations on American commerce..	1
1094	.....do	Nov. 22	British domestic politics. Ministerial changes.....	8
1095	.....do	Nov. 23	Case of the Shenandoah.....	9
1099	.....do	Dec. 1	Same subject. Trial of P. S. Corbett before the Court of Queen's Bench for a violation of the foreign enlistment act.	12
1101	.....do	Dec. 1	Intrigues of disloyal citizens of the United States in Great Britain	25
1104	.....do	Dec. 6	Acknowledgment of expressions of sympathy and condolence with the United States in regard to the death of President Lincoln.	26
1105	.....do	Dec. 6	Claims growing out of the depredations on American commerce. Closing of the correspondence.	28
1618	Mr. Seward to Mr. Adams.	Dec. 8	Controversy between Spain and Chili	29
1621	.....do	Dec. 11	John Fanning, an alleged Fenian, arrested in Ireland	29
1625	.....do	Dec. 14	Case of the Shenandoah to remain *in statu quo*.....	30
1626	.....do	Dec. 14	Proposal of Great Britain for revision of neutrality laws declined by United States.	30
1106	Mr. Adams to Mr. Seward.	Dec. 14	Death of King Leopold of Belgium; its probable effect in Europe.	31
1107	.....do	Dec. 14	Slave trade; its suppression in the Island of Cuba.....	31
1110	.....do	Dec. 14	The Shenandoah; disposition of that vessel	32
1628	Mr. Seward to Mr. Adams.	Dec. 16	Condition of disloyal States. Our relations with Europe.....	33
1630	.....do	Dec. 18	Trial of P. S. Corbett before the Court of Queen's Bench for a violation of the foreign enlistment act.	33
1111	Mr. Adams to Mr. Seward.	Dec. 21	Rewards for arrest of conspirators. President's message and report of Secretary of the Treasury; the effect in Europe; his approbation.	34
1112	.....do	Dec. 21	Delivery of the Shenandoah and disposal made of her crew.....	34
1115	.....do	Dec. 21	Case of the Tuscaloosa; her delivery. Claims on Great Britain for detention.	35
1638	Mr. Seward to Mr. Adams.	Dec. 28	Enclosing translation of a communication.....	35
1117	Mr. Adams to Mr. Seward.	Dec. 28	Restoration of the *habeas corpus* writ. Case of Captain Fanning; his release. Supposed Fenian organization.	36
1118	.....do	Dec. 28	The Shenandoah; disposition of that vessel by him.....	37
1119	.....do	Dec. 28	Claims growing out of the depredations on American commerce..	37
1639	Mr. Seward to Mr. Adams.	Dec. 30	Case of the Shenandoah; her depredations. Letter of Sir James Elphinstone not in point.	38
1640	.....do	Dec. 30	Provisional governors appointed over southern States. Civil authority restored therein.	39

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.		
1644	Mr. Hunter to Mr. Adams.	Dec. 30	Return of the Shenandoah to the United States	40
	Do	Dec. 31	Memorandum; same subject	40
		1866.		
1646	.....do	Jan. 4	Proposed recovery of gold held by insurgents in London	40
1124	Mr. Adams to Mr. Seward.	Jan. 4	Meeting of Parliament; its effect. High standing of the United States. Tone of public press in Great Britain. Report of Secretary of Treasury and its effect.	42
1125	.....do	Jan. 4	Promotion of immigration to the southern States. Freed labor, and means to facilitate the same.	42
1126	.....do	Jan. 4	The "Osborne flotilla;" conduct of Sir Frederick Bruce on the subject.	43
1127	.....do	Jan. 4	Proposal of Great Britain for revision of neutrality laws declined by the United States.	44
1129	.....do	Jan. 5	Case of the Shenandoah; further evidence submitted	44
1647	Mr. Hunter to Mr. Adams.	Jan. 6	Statement of public debt of the United States January 1, 1866	56
1131	Mr. Adams to Mr. Seward.	Jan. 11	Financial condition of the United States as viewed in Great Britain.	57
1132	.....do	Jan. 18	Abolition of slavery in the United States. Opening of Parliament. The ministry. Discontent in Ireland; Fenian organizations in that island.	58
1662	Mr. Hunter to Mr. Adams.	Jan. 23	Disposition of the Shenandoah	59
1137	Mr. Adams to Mr. Seward.	Jan. 25	Construction of war vessels in the ports of Great Britain	59
1138	.....do	Jan. 26	Case of the Shenandoah	60
1667	Mr. Hunter to Mr. Adams.	Jan. 27	Expansion of British export trade to the United States; articles in the London Times thereon.	62
1669	Mr. Seward to Mr. Adams.	Jan. 29	Reported disposal of eighty steam vessels belonging to late insurgents.	62
1142	Mr. Adams to Mr. Seward.	Feb. 1	Opening of the new Parliament. The ministry and reform bill	63
1145	.....do	Feb. 1	Case of the Shenandoah. Obligations of neutral nations	63
1680	Mr. Seward to Mr. Adams.	Feb. 6	Political situation in Great Britain. Agitation in Ireland—measures proposed.	63
1147	Mr. Adams to Mr. Seward.	Feb. 8	Opening of Parliament. Speech of the Queen. Changes in the ministry.	64
1684	Mr. Seward to Mr. Adams.	Feb. 12	The case of the Shenandoah	66
	Do	Feb. 14	Attitude of the United States respecting "Alabama claims"	66
1150	Mr. Adams to Mr. Seward.	Feb. 15	Reported disposal of eighty steam vessels belonging to late insurgents.	66
1151	.....do	Feb. 15	Case of the Shenandoah. British view of course of Lord Russell respecting claims of United States.	67
1687	Mr. Seward to Mr. Adams.	Feb. 17	Construction of war vessels in the ports of Great Britain	68
1690	.....do	Feb. 20	Parliament. The press of Great Britain; its tone satisfactory. Financial and political position of the United States satisfactory.	68
1158	Mr. Adams to Mr. Seward.	Feb. 22	Suspension of the *habeas corpus* in Ireland. Its cause, Fenianism. Its probable results. Measures suggested to meet the complications likely to arise.	69

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
1160	Mr. Adams to Mr. Seward.	Mar. 1	Rumored ministerial changes. Reform bill extending franchise...	70
1161	.....do	Mar. 1	Foreign enlistment act. Position taken by Sir Roundell Palmer..	71
1163	.....do	Mar. 2	Fenian organizations in the United States. Allegiance claimed by Great Britain on part of naturalized citizens of the United States.	74
1700	Mr. Seward to Mr. Adams.	Mar. 5	Claims of the United States against Great Britain for depredations upon its commerce during the rebellion.	74
1164	Mr. Adams to Mr. Seward.	Mar. 6	Debate in the House of Commons on foreign enlistment act. Reform bill.	75
1165	.....do	Mar. 6	Fenian movements in Ireland. Arrests of Americans and their protection. Attitude of Great Britain thereon.	75
1709	Mr. Seward to Mr. Adams.	Mar. 10	Suspension of the *habeas corpus* in Ireland. Alleged Fenianism in the United States. Position of the United States on the question.	77
1167	Mr. Adams to Mr. Seward.	Mar. 15	The reform bill in the House of Commons. Its result.....	79
1168	.....do	Mar. 15	Foreign enlistment act. Position taken by Sir Roundell Palmer .	79
1172	.....do	Mar. 15	Fenian organizations in Ireland. Arrests of Americans and their protection. Attitude of Great Britain thereon.	83
1711	Mr. Seward to Mr. Adams.	Mar. 20	Fenianism in Ireland and the United States. Position of Great Britain on the same.	85
1712	.....do	Mar. 20	Foreign enlistment act. Position taken by Sir Roundell Palmer..	85
1714	.....do	Mar. 20	Case of the Rappahannock.....	85
1717	.....do	Mar. 22	Arrests of several American citizens—alleged Fenians—their protection. Position of Great Britain on the same.	86
1174	Mr. Adams to Mr. Seward.	Mar. 22	Adjournment of Parliament. The ministry and reform bill	89
1718	Mr. Seward to Mr. Adams.	Mar. 23	Depredations on American commerce during the rebellion. Cabinet members in Congress. Relations of the United States and Great Britain.	89
1719	.....do	Mar. 23	Arrests of American citizens—alleged Fenians. Relations of the two countries.	90
1721	.....do	Mar. 25	Slave trade in the island of Cuba.....	90
1723	.....do	Mar. 26	John A. Commerford, an alleged Fenian—his arrest and detention.	91
	Mr. Moran to Mr. Seward.	Mar. 29	Foreign enlistment act. Position taken by Sir Roundell Palmer..	93
1728	Mr. Seward to Mr. Adams.	Mar. 31	The reform bill in Parliament. Its final result.....	94
1729	.....do	Mar. 31	Foreign enlistment act. Position taken by Sir Roundell Palmer..	94
1730	.....do	Mar. 31	Fenian organizations. Arrests of American citizens and their protection. Attitude of the United States and Great Britain on the subject.	94
1731	.....do	April 3	Cornelius Healy, an alleged Fenian, arrested in Ireland	95
1178	Mr. Adams to Mr. Seward.	April 7	The Queen's letter to Mr. Peabody. His munificence.....	97
1737	Mr. Seward to Mr. Adams.	April 10	Termination of reciprocity treaty of 1854. The fishery limits under the same.	98
1179	Mr. Adams to Mr. Seward.	April 12	Meeting of Parliament and reform bill. Political situation in Great Britain.	101
1181	.....do	April 12	Interview with Lord Clarendon on Fenian organizations. Case of J. A. Commerford, an alleged Fenian.	102

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
1182	Mr. Adams to Mr. Seward.	April 14	John A. Commerford, an alleged Fenian, arrested in Ireland	104
1738	Mr. Seward to Mr. Adams.	April 17	Termination of reciprocity treaty of 1854. Fishery limits under the same.	104
1183	Mr. Adams to Mr. Seward.	April 19	Diplomatic correspondence. Slave trade in island of Cuba	105
1184	.....do	April 19	Cornelius Healy, an alleged Fenian. Suspension of the *habeas corpus* act.	106
1186	.....do	April 19	Suits against steamers Sumter and Rappahannock	106
1187	.....do	April 19	Reform bill. The Parliament and the ministry. Politics	107
1740	Mr. Seward to Mr. Adams.	April 21	Lieutenant Colonel Burke, an alleged Fenian	107
1742	.....do	Apr. 21	The Queen's letter to Mr. Peabody. His munificence	108
1743	.....do.	April 23	The Simonoseki indemnity fund	108
1746	.....do	April 25	The slave trade. Mr. G. V. Fox's visit to Europe	109
1747	.....do	April 28	Michael Kirwan, an alleged Fenian	109
1189	Mr. Adams to Mr. Seward.	April 28	The reform bill. Parliament and ministry. Political situation	112
1751	Mr. Seward to Mr. Adams.	April 30	Fenian organizations. Suspension of the *habeas corpus*. Protection of American citizens.	113
1752	.....do	May 1	Treaty of peace between Hayti and Dominica	114
1753	.....do	May 1	James Smith, an alleged Fenian	116
1193	Mr. Adams to Mr. Seward.	May 3	The reform bill in Parliament. The debt of Great Britain	117
1194	.....do	May 3	The reciprocity treaty of 1854, and the fishery question	118
1195	.....do	May 10	Colonel Burke, an alleged Fenian. Fenian organizations continued.	118
1196	.....do	May 10	Report on reciprocity treaty and fishery question	119
1199	.....do	May 17	Financial panic in Great Britain; its effect in Europe and the United States.	120
1204	.....do	May 25	James Smith, an alleged Fenian	121
1205	.....do	May 25	Colonel Burke, an alleged Fenian	121
1766	Mr. Seward to Mr. Adams.	May 26	Same subject	122
1767	.....do	May 26	Report on reciprocity treaty and fishery question	122
1769	.....do	May 29	J. H. Gleeson, an alleged Fenian	122
1207	Mr. Adams to Mr. Seward.	June 1	The reform bill. Parliament and the ministry	123
1208	.....do	June 1	Treaty of peace between Hayti and Dominica	124
1209	.....do	June 1	The Simonoseki indemnity fund	124
1210	.....do	June 1	Protection of Americans arrested for alleged Fenianism. Case of Colonel Burke.	124
1212	.....do	June 2	The panic in Great Britain. The Danish question. Napoleon and the peace of Europe.	125
1772	Mr. Seward to Mr. Adams.	June 4	Fenian movement against Canada	126
1213	Mr. Adams to Mr. Seward.	June 7	Reform bill in Great Britain. The situation in Europe	127
1216	.....do	June 7	Case of the Shenandoah	128
1779	Mr. Seward to Mr. Adams.	June 9	Colonel Burke, an alleged Fenian	134
1780	.....do	June 12	Fenian movement against Canada. Proclamation of the President	135

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
1217	Mr. Adams to Mr. Seward.	June 14	Relations of Austria and Prussia. Attitude of France and Great Britain.	135
1218	.....do.....	June 14	Fenianism in Ireland. Protection of American citizens. Release of James Smith.	136
1788	Mr. Seward to Mr. Adams.	June 16	Thomas E. Blackwell, an alleged Fenian	137
1789	.....do.....	June 16	Thomas J. Hynes, an alleged Fenian	137
	Mr. Seward's circular.	June 18	Honors to the memory of Hon. Lewis Cass	138
1219	Mr. Adams to Mr. Seward.	June 21	Position of the United States in Europe. War of Prussia and Italy against Austria. The reform bill. The British cabinet. John Bright and American institutions.	139
1220	.....do.....	June 22	Case of Captain Freeman, of the ship Kentuckian. Desertions of seamen and their treatment.	140
1792	Mr. Seward to Mr. Adams.	June 26	The Simonoseki indemnity	141
1223	Mr. Adams to Mr. Seward.	June 28	Reform bill in Parliament. Resignation of the ministry. Feeling towards the United States.	142
1224	.....do.....	June 28	Neutrality of Great Britain in the war of Prussia and Italy against Austria.	142
1794	Mr. Seward to Mr. Adams.	July 2	Dissolution of the German Bund. Position of Great Britain on the war of Prussia and Italy against Austria.	145
1796	.....do.....	July 3	Reform bill in Parliament. Suffrage and representation	145
1227	Mr. Adams to Mr. Seward.	July 5	Resignation of ministry; its effect. War between Prussia and Austria. Interposition of other great powers probable.	145
1229	.....do.....	July 6	Thomas Hynes and Thomas J. Hynes, alleged Fenians, arrested in Ireland.	146
1230	..... do.....	July 7	Colonel Burke and Daniel J. Mykins liberated. Thomas J. Hynes detained.	146
1232	.....do.....	July 7	Venetia ceded to France by Austria. Proposed armistice between Prussia and Austria.	147
1235	.....do.....	July 12	Interview with Lord Stanley, the new secretary for foreign affairs.	147
1238	.....do.....	July 14	Colonel Burke, Daniel J. Mykins, Patrick J. Condon, Stephen Farrell, Michael Kirwan, and James E. McDermot, alleged Fenians, released.	148
1239	.....do.....	July 14	Mr. Fox arrives at Spithead in the Miantonomoh. Distinguished visitors.	149
1801	Mr. Seward to Mr. Adams.	July 14	The change of ministry. Matters in Ireland	149
1805	.....do.....	July 18	Thomas Hynes, alleged Fenian	149
1806	.....do.....	July 18	The Simonoseki indemnity	150
1242	Mr. Adams to Mr. Seward.	July 19	Organization of British ministry. Prorogation of Parliament. War between Prussia and Austria ended.	150
1243	.....do.....	July 21	The Simonoseki indemnity	151
1809	Mr. Seward to Mr. Adams.	July 23	Thomas O'Connell, an alleged Fenian	153
1812	.....do.....	July 24	Patrick Hasson, an alleged Fenian	153
1244	Mr. Adams to Mr. Seward.	July 26	Organization of British ministry. Claims of United States against Great Britain. Depredations on American commerce.	154
1246	.....do.....	July 26	Public meeting. Gates of Hyde Park closed. Excitement on the reform bill.	155
1818	Mr. Seward to Mr. Adams.	July 30	Report of General Banks on the neutral relations of the United States.	156

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
1819	Mr. Seward to Mr. Adams.	July 30	Relations of the United States and Great Britain. Claims of the United States.	166
1820	.....do.....	July 30	President's message. Disposition of Fenian prisoners.....	166
1823	.....do.....	Aug. 2	The peace between Prussia and Austria. Political combinations of European states and rivalries.	167
1248	Mr. Adams to Mr. Seward.	Aug. 2	Canadian affairs. Adjournment of Parliament. Cholera in London and Liverpool.	168
1249	.....do.....	Aug. 2	T. E. Blackwell, an alleged Fenian. Policy respecting the *habeas corpus*.	168
1824	Mr. Seward to Mr. Adams.	Aug. 6	Consular convention. Protection of American seamen. Deserting.	169
1253	Mr. Adams to Mr. Seward.	Aug. 17	Arrests of naturalized American citizens in Ireland for alleged Fenianism. Release of Thomas Hynes and Thomas O'Connell. Patrick Hasson still detained; the reason why.	173
1258	.....do.....	Aug. 23	Claims growing out of depredations on American commerce during the rebellion.	174
1259	.....do.....	Aug. 23	No citizen of the United States now under arrest under the act suspending the *habeas corpus*.	175
1260	.....do.....	Aug. 25	The Simonoseki indemnity.....	176
1835	Mr. Seward to Mr. Adams.	Aug. 27	Enclosing summary of claims of citizens of the United States against Great Britain for damages suffered by them during the rebellion and thereafter, by means of depredations upon our commercial marine, committed on the high seas by the Sumter, the Alabama, the Florida, the Shenandoah, and other ships of war, built, armed, equipped, and fitted out in British ports.	177
1269	Mr. Adams to Mr. Seward.	Sept. 14	Recovery of the Atlantic submarine telegraph cable. Communication between the two continents.	203
1270	.....do.....	Sept. 21	Claims against Great Britain growing out of depredations on American commerce.	203
3	Mr. Moran to Mr. Seward.	Sept. 29	Release of Patrick Hasson, an alleged Fenian. Every American now released.	204
4	.....do.....	Sept. 29	Important meeting of the Reform League at Manchester. Suffrage, &c.	205
7	.....do.....	Oct. 6	The Atlantic telegraph cables. Claims of the United States growing out of depredations upon American commerce during the rebellion. Article in London Times, October 4, 1866.	205
1855	Mr. Seward to Mr. Adams.	Oct. 8	Claims against Great Britain growing out of depredations on American commerce.	208
8	Mr. Moran to Mr. Seward.	Oct. 13	Reform demonstration at Leeds. Foreign enlistment act. Respect for the United States. Claims growing out of depredations on American commerce.	208
17	.....do.....	Oct. 27	Reform and representation questions in Great Britain.....	209
1868	Mr. Hunter to Mr. Adams.	Oct. 30	Trials of citizens of the United States in Canada engaged in Fenian demonstrations.	209
25	Mr. Moran to Mr. Seward.	Nov. 10	The Lord Mayor's dinner at London. Claims against Great Britain growing out of depredations on American commerce.	210
28	.....do.....	Nov. 16	The rebel loan in Great Britain an offset to claims growing out of depredations on American commerce.	210
1875	Mr. Seward to Mr. Adams.	Nov. 16	Withdrawal of the French expedition from Mexico.....	211
1876	.....do.....	Nov. 17	Action of Canadian authorities in cases of Fenian prisoners.....	212
29	Mr. Moran to Mr. Seward.	Nov. 17	Claims against Great Britain growing out of depredations on American commerce. The British neutrality laws.	212

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
	Mr. Seward to Mr. Adams.	Nov. 29	[Telegram.] Disavow and reject arrangement of Messrs. Morse & Gibbs with Fraser, Trenholm & Co. Mr. Morse to come home and make explanations at once.	212
	BRITISH LEGATION.	1865.		
	Sir F. Bruce to Mr. Seward.	Dec. 15	Removal of restrictions on war vessels of the United States visiting British ports.	213
	Do.....	Dec. 22	Reciprocal relief and transportation of American and British seamen in distress.	213
	Mr. Seward to Sir F. Bruce.	Dec. 27	Multiplication of consular agents of the United States in British North American provinces. Consular agency needed at Hamilton.	213
	Sir F. Bruce to Mr. Seward.	Dec. 30	Reciprocal maintenance of British and American lunatics in asylums.	215
		1866.		
	Sir F. Bruce to Mr. Hunter.	Jan. 5	Case of George Holmes, shot to death by a sentry on board the United States gunboat James Adger, at Colon, Nov. 10, 1865.	215
	Lord Clarendon to Sir F. Bruce.	Jan. 19	Protest against course pursued by British government in case of the Shenandoah.	218
	Sir F. Bruce to Mr. Seward.	Feb. 7	The Simonoseki indemnity.....	221
	Mr. Seward to Sir F. Bruce.	Feb. 7	Case of George Holmes, shot to death. Investigation ordered therein.	222
	Do.....	Feb. 9	Case of the Shenandoah. Claims growing out of depredations against American commerce. Further discussion unprofitable at the present time.	222
	Do.....	Feb. 10	The Simonoseki indemnity.....	222
	Sir F. Bruce to Mr. Seward.	Feb. 13	Construction of the extradition treaties by the United States. Their practical effect as to France and Great Britain.	223
	Do.....	Feb. 16	Expiration of the reciprocity treaty, (1854.) Its renewal desired by Great Britain.	224
	Do.....	Feb. 16	Suppression of piracy on the coast of China. United States requested to assist.	224
	Mr. Seward to Sir F. Bruce.	Feb. 16	Reciprocal maintenance of British and American lunatics in asylums.	225
	Do.....	Feb. 17	Renewal of the reciprocity treaty of 1854. The question now submitted to Congress.	226
	Sir F. Bruce to Mr. Seward.	Feb. 19	Same subject.....	226
	Mr. F. W. Seward to Sir F. Bruce.	Feb. 21	Suppression of piracy on the coast of China. The United States will co-operate therein.	227
	Do.....	Feb. 23	Construction of the extradition treaties between the United States, France, and Great Britain.	227
	Mr. Seward to Sir F. Bruce.	Mar. 6	Suppression of piracy on the coast of China. Co-operation of the United States therein.	228
	Sir F. Bruce to Mr. Seward.	Mar. 7	Mutinies on British ships in the waters of the United States. The jurisdiction in such cases.	228
	Mr. Seward to Sir F. Bruce.	Mar. 16	Same subject.....	231
	Do.....	Mar. 21	Case of George Holmes, shot to death at Colon, Nov. 10, 1865....	232
	Sir F. Bruce to Mr. Seward.	Mar. 23	Appointment of a United States consular agent at Hamilton, Canada West. British government assents thereto.	233

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
	Mr. Seward to Sir F. Bruce.	Mar. 26	Case of the steamer General Rusk, *alias* Blanche. She is held to have been the property of the insurgent authorities.	234
	Do.....	May 25	Circulars to governors of States. Passports to citizens of the United States.	234
	Sir F. Bruce to Mr. Seward.	May 25	Case of the steamer General Rusk, *alias* Blanche. Desires to see the documents relative thereto.	235
	Do.....	May 31	Licenses to be issued to fishermen of the United States on coast of Canada.	235
	Do.....	June 2	Shot fired from her Majesty's ship Fawn at St. Croix river. Explanations, &c.	236
	Mr. Seward to Sir F. Bruce.	June 4	Licenses to be issued to fishermen of the United States on coast of Canada.	237
	Do.....	June 11	Affairs on the Canada border. Fenian expedition at an end.....	237
	Sir F. Bruce to Mr. Seward.	June 11	Same subject	238
	Mr. Seward to Sir F. Bruce.	June 14	Shot fired from her Majesty's ship Fawn at St. Croix river. Explanations satisfactory.	239
	Do.....	June 21	Patrick O'Malia, an alleged Fenian, arrested in Canada	239
	Sir F. Bruce to Mr. Seward.	June 23	Same subject	239
	Do.....	June 24	Licenses to be issued to fishermen of the United States to fish in the waters of New Brunswick and Nova Scotia.	240
	Mr. Seward to Sir F. Bruce.	June 25	Same subject	240
	Sir F. Bruce to Mr. Seward.	June 29	Appointment of United States consular agent at Hamilton, Canada West. British government assents thereto.	240
	Do.....	June 30	Patrick O'Malia, an alleged Fenian, arrested in Canada	241
	Mr. Seward to Sir F. Bruce.	June 30	Rev. John McMahon, an alleged Fenian, arrested in Canada	241
	Do.....	June 30	Appointment of United States consular agent at Hamilton, Canada West.	242
	Sir F. Bruce to Mr. Seward.	July 5	Fishing licenses to be issued to citizens of the United States at Prince Edward Island and all colonial waters.	242
	Do.....	July 10	Rev. John McMahon, alleged Fenian, held for trial with others...	242
	Do.....	July 10	Mediation of France, Great Britain, and the United States in affairs of Hayti and Dominica.	242
	Mr. Seward to Sir F. Bruce.	July 11	Same subject. United States declines for the present	243
	Do.....	July 12	John Chapell, deserter from the royal marines, forcibly taken within jurisdiction of the United States and conveyed to Canadian gunboat Michigan.	244
	Sir F. Bruce to Mr. Seward.	July 13	Code of international marine signals	244
	Do.....	July 13	Affairs on the Canada border. Fenian organizations.....	245
	Mr. Seward to Sir F. Bruce.	July 16	James Diamond, alleged Fenian, arrested in Canada.....	246
	Do.....	July 16	Patrick O'Mally, alleged Fenian, arrested in Canada.....	246
	Sir F. Bruce to Mr. Seward.	July 21	Fishing licenses for colonial waters, where issued.....	247
	Do.....	July 25	Contract with Cunard line of steamers. Post office convention of December 15, 1848. Proposal for a new convention.	248

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subj ct.	Page.
		1866.		
	Mr. Seward to Sir F. Bruce.	July 26	Thomas Ellis, James Dillon, and Carney, alleged Fenians, arrested in Canada.	249
	Sir F. Bruce to Mr. Seward.	July 28	John Chapell, deserter from the Canadian gunboat Michigan. Regret at violation of United States jurisdiction.	251
	Mr. Seward to Sir F. Bruce.	Aug. 1	Same subject. Explanation satisfactory	252
	Do	Aug. 4	John Sheridan, an alleged Fenian, arrested in Canada	253
	Do	Aug. 6	James Diamond, an alleged Fenian, arrested in Canada	254
	Do	Aug. 9	Rev. John McMahon, an alleged Fenian, arrested in Canada	254
	Do	Aug. 24	Proposal for a new postal convention	256
	Do	Aug. 24	Rev. David F. Lumsden, an alleged Fenian spy, arrested in Canada.	257
	Sir F. Bruce to Mr. Seward.	Aug. 28	The Simonoseki indemnity	258
	Do	Sept. 3	Rev. David F. Lumsden, an alleged Fenian, held for trial	258
	Mr. Seward to Sir F. Bruce.	Oct. 22	Patrick O'Neill, an alleged Fenian, arrested in Canada	259
	Do	Oct. 22	John Sheridan, alleged Fenian, arrested in Canada	259
	Do	Oct. 27	Robert B. Lynch and John McMahon. Convicted and sentenced to death in Canada. Their pardon asked by the United States.	260
	Sir F. Bruce to Mr. Hunter.	Nov. 3	Navigation of China seas. Need of light-houses, buoys, &c., therein.	261
	Sir F. Bruce to Mr. Seward.	Nov. 15	Robert B. Lynch and John McMahon. Their cases referred to British government.	262
	Mr. Seward to Sir F. Bruce.	Nov. 15	Same subject	262
	Do	Nov. 20	Same subject. Testimony and records desired by the United States.	263
	Do	Nov. 26	Same subject	263
	Sir F. Bruce to Mr. Seward.	Nov. 27	Same subject	265

FRANCE.

		1865.		
197	Mr. Bigelow to Mr. Seward.	Nov. 20	R. Thomassy's salt contract with the insurgent government	266
198	.....do	Nov. 20	The war between Chili and Spain	267
326	Mr. Seward to Mr. Bigelow.	Dec. 9	Same subject	268
213	Mr. Bigelow to Mr. Seward.	Dec. 11	The American Emigrant Company	268
336	Mr. Seward to Mr. Bigelow.	Dec. 18	Protection of mail steamers of the United States and France	269
232	Mr. Bigelow to Mr. Seward.	Dec. 26	Payment of interest on bonds of the United States in Europe	270
		1866.		
234	.....do	Jan. 4	Reception of the diplomatic corps by the Emperor. His speech and views of the assassination of President Lincoln.	271
238	.....do	Jan. 10	Abolition of slavery in the United States	271
241	.....do	Jan. 12	Same subject	272
244	.....do	Jan. 19	The Simonoseki indemnity	273

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
375	Mr. Seward to Mr. Bigelow.	Jan. 19	Rio Grande expedition and capture of Bagdad, Mexico	275
261	Mr. Bigelow to Mr. Seward.	Feb. 7	Abolition of slavery in the United States, and French Emancipation Society.	277
265	.....do	Feb. 9	Same subject	277
269	.....do	Feb. 9	Rio Grande expedition and capture of Bagdad, Mexico	280
271	.....do	Feb. 12	Decrees of Maximilian in Mexico. The black flag	281
389	Mr. Seward to Mr. Bigelow.	Feb. 12	The Simonoseki indemnity	282
391	.....do	Feb. 14	French Emancipation Society and abolition of slavery in the United States.	282
273	Mr. Bigelow to Mr. Seward.	Feb. 15	Decrees of Maximilian in Mexico. The black flag	282
276	.....do	Feb. 15	Relations of France and the United States. Protection of mail steamers. Postal convention. French army in Mexico.	283
403	Mr. Seward to Mr. Bigelow.	Mar. 2	Rio Grande expedition and capture of Bagdad, Mexico	284
281	Mr. Bigelow to Mr. Seward.	Mar. 4	R. Thomassy's salt contract with insurgent government	284
412	Mr. Seward to Mr. Bigelow.	Mar. 5	French Emancipation Society and abolition of slavery in the United States.	284
423	.....do	Mar. 17	Same subject	285
288	Mr. Bigelow to Mr. Seward.	Mar. 22	Deposition of Prince Couza, of Romania, D. P.	285
427	Mr. Seward to Mr. Bigelow.	Mar. 25	R. Thomassy's salt contract with insurgent government	285
292	Mr. Bigelow to Mr. Seward.	Mar. 26	The Simonoseki indemnity	286
299	.....do	Apr. 10	Emigration from France to the United States	287
302	.....do	Apr. 13	Liability of naturalized citizens of the United States to military duty in France.	291
303	.....do	Apr. 14	Same subject	297
308	.....do	Apr. 23	Passports issued by governors of States of the United States	298
441	Mr. Seward to Mr. Bigelow.	Apr. 23	The Simonoseki indemnity	298
311	Mr. Bigelow to Mr. Seward.	Apr. 27	Liability of naturalized citizens of the United States to military duty in France.	299
312	.....do	Apr. 28	Same subject	301
445	Mr. Seward to Mr. Bigelow.	May 1	Offer of French government to convey United States mails between New Orleans and Vera Cruz.	302
450	.....do	May 4	Evacuation of Mexico by the French troops	303
452	.....do	May 7	Emigration from France to the United States	303
453	.....do	May 7	Liability of naturalized citizens of the United States to military duty in France.	304
316	Mr. Bigelow to Mr. Seward.	May 10	Levying of re-enforcements for Mexico	305
459	Mr. Seward to Mr. Bigelow.	May 12	Relations of United States and France with Mexico. Its evacuation by French troops. Re-enforcements sent.	306
320	Mr. Bigelow to Mr. Seward.	May 16	Same subject	307
460	Mr. F. W. Seward to Mr. Bigelow.	May 18	Passports issued by governors of States of the United States	308

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
328	Mr. Bigelow to Mr. Seward.	May 31	Relations of United States and France with Mexico. Its evacuation by French troops.	308
336	.....do	June 14	Relations of Hayti and Dominica. Mediation of France therein..	309
337	.....do	June 14	Relations of United States and France with Mexico. Maximilian, Bazaine, and Santa Anna.	310
338	.....do	June 14	Same subject. Debate in the corps legislatif.....	310
492	Mr. Seward to Mr. Bigelow.	June 30	Same subject. Mexican affairs.....	331
493	.....do	July 2	Relations of Hayti and Dominica.....	332
344	Mr. Bigelow to Mr. Seward.	July 6	The war between Prussia and Austria. Cession of Venetia to France. Conference of belligerents at Paris.	332
349	.....do	July 20	War between Prussia and Austria. Cessation of hostilities. The situation in Europe. Papal question.	333
351	.....do	Aug. 3	Same subject. Preliminary conditions of peace. Policy of Napoleon III.	334
352	.....do	Aug. 3	Success of the Atlantic submarine telegraph cable.....	336
357	Mr. Hay to Mr. Seward.	Aug. 10	Visit of the Princess Charlotte to France.....	336
358	.....do	Aug. 17	Same subject	337
361	.....do	Aug. 24	Same subject	338
516	Mr. Seward to Mr. Bigelow.	Aug. 24	Blockade of Mexican ports declared null and void by President's proclamation.	338
365	Mr. Bigelow to Mr. Seward.	Sept. 7	Treaty of peace between Austria and Prussia, signed and ratified at Prague, August 23, 1866. The French cabinet.	339
366	.....do	Sept. 7	Political and financial relations of France and Mexico.....	340
369	.....do	Sept. 14	Convention between France and Mexico. The relations of the two countries.	348
370	.....do	Sept. 19	The situation in Europe. The German question.....	353
371	Mr. Hay to Mr. Seward.	Sept. 21	Mexican securities. Withdrawal of French troops from Mexico..	356
372	Mr. Bigelow to Mr. Seward.	Sept. 28	Same subject	357
529	Mr. Seward to Mr. Bigelow.	Sept. 29	Resignation of Mr. Bigelow and appointment of General John A. Dix.	358
530	.....do	Sept. 29	Relations of France and the United States with Mexico. Withdrawal of French troops.	358
535	.....do	Oct. 8	Same subject	359
374	Mr. Bigelow to Mr. Seward.	Oct. 12	Same subject	359
377	.....do	Oct. 19	Case of the schooner William L. Richardson.....	360
378	.....do	Oct. 19	Resignation of Mr. Bigelow and appointment of General John A. Dix.	362
539	Mr. Seward to Mr. Bigelow.	Oct. 19	Situation in Europe and German question.....	362
382	Mr. Bigelow to Mr. Seward.	Nov. 6	Marquis de Montholon to be replaced at Washington by Mr. Berthemy.	363
544	Mr. Seward to Mr. Bigelow.	Nov. 6	Case of the schooner William L. Richardson.....	363
384	Mr. Bigelow to Mr. Seward.	Nov. 8	Relations of France and United States with Mexico. Withdrawal of French troops.	364
545	Mr. Seward to Mr. Bigelow.	Nov. 9	Same subject	365

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
550	Mr. Seward to Mr. Bigelow.	Nov. 23	[Telegram.] Same subject	366
	Do	Nov. 30	[Telegram.] Occupation of Matamoras	367
	Mr. Bigelow to Mr. Seward.	Nov. 30	Relations of France and United States with Mexico. Occupation of Matamoras.	368
387	do	Dec. 3	Same subject	368
	FRENCH LEGATION.	1865.		
	Marquis de Montholon to Mr. Seward.	Sept. 30	French merchant ship Leverrier	369
		1866.		
	Mr. Seward to Marquis de Montholon.	Feb. 26	Same subject	370
	Do	Mar. 22	Mexican steamer Señorita	378
	Do	April 25	Evacuation of Mexico by the French	378
	Do	June 7	French merchant ship Leverrier	379
	Do	Aug. 16	French Generals Osmont and Friant in the cabinet of Maximilian.	381
	Marquis de Montholon to Mr. Seward.	Sept. 28	International marine signals. A code for same	382
	Do	Oct. 3	Disposition of literary and artistic property. Law of July 14, 1866	383
	Do	Oct. 13	Tonnage dues in France. Regulations respecting the same	385
	Do	Oct. 15	Abolition of tax on passports in France	386
	Mr. Moustier to Marquis de Montholon.	Oct. 16	Evacuation of Mexico by the French. Views of the Emperor Napoleon.	387
	Mr. Seward to Marquis de Montholon.	Oct. 27	Abolition of tax on passports in France	388
	Do	Nov. 12	Tonnage dues in France. Regulations respecting the same	388

RUSSIA.

		1865.		
89	Mr. Clay to Mr. Seward.	Oct. 17	The cholera in Europe. The cattle plague	389
91	do	Oct. 29	Suffrage and naturalization in the United States	390
92	do	Oct. 29	The cattle plague	390
98	do	Dec. 28	Situation of the United States, how viewed in Europe. Our foreign relations. Suffrage and naturalization.	391
		1866.		
187	Mr. Seward to Mr. Clay.	Jan. 31	Benjamin Goldberg, held to military service in Poland	391
99	Mr. Clay to Mr. Seward.	Feb. 6	Reception given to the United States legation by the mayor of Moscow.	392
100	do	Feb. 7	Reconstruction of the Union	401
101	do	Feb. 7	Finances of the United States	402
102	do	Feb. 22	Anniversary dinner of the Marine Assembly	402
104	do	Feb. 28	Same subject	403
191	Mr. Seward to Mr. Clay.	Mar. 6	Reception given to the United States legation by the mayor of Moscow.	406
106	Mr. Clay to Mr. Seward.	Mar. 12	Anniversary of the coronation of the Emperor, festivities, &c	406
107	do	Mar. 12	Politics at home. He stands by the President	412
201	Mr. Seward to Mr. Clay.	April 9	Anniversary of the coronation of the Emperor, festivities, &c	412

RUSSIA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
110	Mr. Clay to Mr. Seward.	April 22	Attempted assassination of the Emperor	412
208	Mr. Seward to Mr. Clay.	May 3	Same subject	413
211	.....do	May 28	Joint resolution of Congress relative to the attempted assassination of the Emperor of Russia.	413
112	Mr. Clay to Mr. Seward.	May 31	Attempted assassination of the Emperor. An audience granted	414
116	.....do	July 14	Stanislas Pongoski. The question of naturalization	416
	The Emperor to the President.	Aug. 17	Reply of the Emperor Alexander to the joint resolution of Congress.	416
219	Mr. Seward to Mr. Clay.	Aug. 24	Stanislas Pongoski. The question of naturalization	416
117	Mr. Clay to Mr. Seward.	Aug. 30	Mr. G. V. Fox presents the joint resolution of Congress to the Emperor.	417
120	.....do	Sept. 13	Grand dinner to the Americans by the Russian Club	418
222	Mr. Seward to Mr. Clay.	Sept. 24	Mr. Fox's mission to Russia	422
121	Mr. Clay to Mr. Seward.	Oct. 8	Reception of Mr. Fox in Russia. Attentions paid to the United States squadron.	422
	Mr. Fox to Mr. Seward.	Sept. 30	Mr. Fox's account of his reception in Russia	422
	.....	.....	Russian account of Mr. Fox's visit to Russia	429

THE NETHERLANDS.

		1865.		
182	Mr. Pike to Mr. Seward.	Dec. 6	The cattle plague	459
183	.....do	Dec. 13	Political and financial situation of Europe and Great Britain	460
		1866.		
3	Mr. Rhodes to Mr. Seward.	Oct. 27	The Luxembourg question. Abolition of slavery in Java	461
5	.....do	Nov. 29	The Luxembourg question	462

CHINA.

		1865.		
6	Mr. Williams to Mr. Hunter.	Sept. 5	Case of General Burgevine	462
8	Mr. Williams to Mr. Seward.	Oct. 5	Tonnage dues and trade	473
9	.....do	Oct. 6	The rebellion in China. Apportionment of lands among the poor. The telegraph.	474
10	.....do	Oct. 14	Employment of Americans and other foreigners in the customs service of China.	475
12	.....do	Oct. 24	Need of American consulates in China; the consuls and other employés to acquire the language. Appropriations for consular clerks.	476
14	.....do	Nov. 6	Edict respecting the propagation of Christianity by the government. Murder of Mr. Mabileau, a French priest, at Yuyanchau. The recent treaties with China.	484

CHINA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.		
16	Mr. Williams to Mr. Seward.	Nov. 23	Wheaton's international law published and translated into the Chinese. Foreign intercourse. Geography and maps of Senkiyu; his other works.	485
116	Mr. Burlingame to Mr. Seward.	Dec. 1	Pirates in the Chinese waters	486
156	Mr. Seward to Mr. Burlingame.	Dec. 15	A diplomatic representative from China to the United States	487
19	Mr. Williams to Mr. Seward.	Dec. 26	Relations of the United States and China. The Foreign Office. The distinguished geographer Senkiyu; his friendliness to Americans.	488
		1866.		
20	.....do	Jan. 6	No American rebels in China. Municipal regulations of Peking. Policy of Great Britain in China. Co-operation of France and Great Britain with the United States in China.	489
159	Mr. Seward to Mr. Burlingame.	Jan. 29	The Osborne flotilla	490
23	Mr. Williams to Mr. Seward.	Jan. 31	Tonnage dues in Japan and Saigon extended to American vessels	490
23	Mr. F. W. Seward to Mr. Williams.	Feb. 21	Pirates in the Chinese waters. Instructions to our naval officers	490
24	.....do	Feb. 24	Relations of Portugal and China	491
117	Mr. Burlingame to Mr. Seward.	Feb. 28	Suggestions relating to China. The college bill. A legation in China. A squadron in China seas. Chinese emigration.	492
25	Mr. Seward to Mr. Williams.	Mar. 6	Wheaton's international law reprinted in Japan. The distinguished geographer Senkiyu.	494
24	Mr. Williams to Mr. Seward.	Mar. 10	A Chinese agent sent to foreign powers having treaties with China; also to visit the United States.	494
27	.....do	April 3	Regulations for the Coolie traffic. Treaty with Portugal and China. The consular system. Legislation. Convention to regulate the engagement of China emigrants by British and French subjects.	495
28	.....do	April 6	The cases of General Burgevine and General Ward, Americans	503
31	Mr. Seward to Mr. Williams.	April 7	Municipal regulations of Peking. Co-operation of Great Britain and France with the United States in China.	506
161	Mr. Seward to Mr. Burlingame.	April 9	The United States squadron in Chinese waters as large as convenient at this time.	506
162	.....do	April 9	Regulations for the Coolie traffic	506
30	Mr. Williams to Mr. Seward.	April 12	Desecration of the American cemetery at Tangchau	507
32	.....do	May 12	Rights of foreigners, by treaty, to carry their steamers through the internal waters of China. Prince Kung on piracy.	510
33	.....do	May 21	Attacks upon Mr. Knight at Niuchwang by armed ruffians. Protection of American citizens; action of the Chinese government thereon.	514
165	Mr. Seward to Mr. Williams.	May 26	The Chinese agent sent to foreign powers	519
35	Mr. Williams to Mr. Seward.	June 12	Pirates in the China seas. Instructions to our naval officers. Improper use of the United States flag on the river Yang-tse kiang.	519
33	Mr. Seward to Mr. Williams.	July 30	Desecration of the American cemetery at Tangchau	528
36	Mr. Williams to Mr. Seward.	Aug. 5	Municipal regulations at Shanghai. The *réglements d'organisation*; his views on the same.	528

CHINA—Continued

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
34	Mr. Seward to Mr. Williams.	Aug. 7	Rights of foreigners, by treaty, to carry their steamers through the internal waters of China.	536
37	Mr. Williams to Mr. Seward.	Aug. 8	Execution of two Roman Catholic bishops, nine priests, and native Christians at Corea; action of the French admiral.	536
38	.....do	Aug. 10	Desecration of the American cemetery at Tangchau	537
39	.....do	Aug. 15	Attacks upon Mr. Knight at Niuchwang by armed ruffians; their arrest and trial. Need of efficient interpreters in the consular service.	546
35	Mr. Seward to Mr. Williams.	Aug. 15	Same subject, with instructions thereon	554
40	Mr. Williams to Mr. Seward.	Aug. 18	Same subject. The Wachusett at Niuchwang.....	555
170	Mr. Seward to Mr. Burlingame.	Aug. 21	Regulations for the Coolie traffic. Instructions to United States consuls thereon.	557
119	Mr. Burlingame to Mr. Seward.	Sept. 19	Returns to his post. Trade. Visit to the Gorogio. The situation. The Foreign Office and its influence. Interview with the British and American admirals.	558
43	Mr. Williams to Mr. Seward.	Oct. 1	Light-houses along the coast of China, customs reports, and tonnage dues.	558
120	Mr. Burlingame to Mr. Seward.	Oct. 6	The typhoon of September 15 on the coast of Japan; currents and winds.	561
173	Mr. Seward to Mr. Burlingame.	Oct. 8	Improper use of the United States flag.....	563
37	Mr. Seward to Mr. Williams.	Nov. 16	Execution of two Roman Catholic bishops, nine priests, and native Christians, at Corea; action of the French admiral.	563
38	.....do	Nov. 20	Desecration of the American cemetery at Tangchau	564

SPAIN.

		1865.		
12	Mr. Seward to Mr. Hale.	Dec. 11	Relations of Spain to Chili. Desire of the United States for peace between them.	565
		1866.		
15	Mr. Hale to Mr. Seward.	Jan. 9	Insurrection in Spain under the lead of General Prim.....	566
16	.....do	Jan. 18	Same subject	566
18	.....do	Jan. 30	Same subject	567
21	.....do	Jan. 30	Relations of Spain to Chili. The war between them.....	567
19	Mr. Seward to Mr. Hale.	Mar. 1	The war between Spain and Chili. Mediation tendered by the United States.	567
24	Mr. Hale to Mr. Seward.	Mar. 26	The war between Spain and Chili. Mediation of the United States. Views and policy of Spain. Session of the Cortes, March 9, 1866.	568
30	Mr. Seward to Mr. Hale.	May 23	Emancipation in Cuba and Porto Rico	574
	Mr. Hale to Mr. Seward.	May 31	Political condition of Spain. The ministry affairs unsettled.....	575
34	.....do	June 24	An insurrection in Madrid	576
33	Mr. Seward to Mr. Hale.	July 7	Action of Spain, supposing cholera to exist in the United States..	577

SPAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
40	Mr. Hale to Mr. Seward.	July 8	Insurrection in Madrid; its suppression after hard fighting	578
48	.....do	Aug. 13	Action of Spain, supposing cholera to exist in the United States	578
49	.....do	Aug. 20	Emancipation in Cuba and Porto Rico	579
58	.....do	Sept. 15	Same subject	579
48	Mr. Seward to Mr. Hale.	Oct. 8	Same subject	580
62	Mr. Hale to Mr. Seward.	Oct. 23	Municipal corporations in Spain dissolved. Suppression of constitutional guarantees. Royal decree.	580
	SPANISH LEGATION.	1865.		
	Mr. Tassara to Mr. Seward.	Dec. 14	Blockade of the ports of Chili by Spain	583
	Do	Dec. 16	The war with Chili. Circular of the Spanish government on the same.	584
	Mr. Seward to Mr. Tassara.	Dec. 19	Blockade of the ports of Chili by Spain	588
		1866.		
	Mr. Tassara to Mr. Seward.	Jan. 9	Neutrality of the United States in the war between Spain and Chili.	589
	Mr. Tassara to Mr. Hunter.	Jan. 24	Same subject	593
	Do	Jan. 25	Same subject	593
	Mr. De Castro to Mr. Tassara.	Jan. 27	The war between Spain and Chili	596
	Mr. Tassara to Mr. Hunter.	Jan. 28	Neutrality of the United States in the war between Spain and Chili.	598
	Mr. Tassara to Mr. Seward.	Feb. 7	Same subject	599
	Mr. Seward to Mr. Tassara.	Feb. 8	Indictment of Mr. V. McKenna, alleged Chilian agent	601
	Do	Feb. 8	Neutrality of the United States in the war between Spain and Chili	601
	Mr. Tassara to Mr. Seward.	Feb. 18	Same subject	602
	Mr. Seward to Mr. Tassara.	Feb. 20	Same subject	602
	Mr. Tassara to Mr. Seward.	Feb. 27	Indictment of Mr. V. McKenna	602
	Mr. Seward to Mr. Tassara.	Feb. 28	Neutrality of the United States in the war between Spain and Peru.	604
	Mr. Tassara to Mr. Seward.	Mar. 3	Same subject	605
	Do	Mar. 5	The war between Spain, Chili, and Peru. Decree of the Peruvian government.	605
	Do	Mar. 9	Neutrality of the United States in the war between Spain, Chili, and Peru.	606
	Do	Mar. 10	Neutrality of the United States in the war of Spain with Chili and Peru.	606
	Do	Mar. 29	Indictment of V. McKenna	606
	Do	Apr. 7	Neutrality of the United States in the war of Spain with Chili and Peru.	610
	Do	Apr. 10	Same subject	611

SPAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
	Mr. Seward to Mr. Tassara.	Apr. 12	Neutrality of the United States in the war of Spain with Chili and Peru.	611
	Do	Apr. 21	Same subject	611
	Mr. Tassara to Mr. Seward.	May 3	Coal declared contraband of war by Chili	612
	Do	May 7	The despatch of Commodore Rogers relative to the bombardment of Valparaiso by Admiral Mendez.	612
	Mr. Seward to Mr. Tassara.	May 8	Slave trade between Florida and Cuba	615
	Mr. Tassara to Mr. Seward.	May 9	Same subject	616
	Do	May 9	Neutrality of the United States in the war of Spain with Chili and Peru.	616
	Do	May 26	Slave trade between Florida and Cuba	617
	Do	June 20	Neutrality of the United States in the war of Spain with Chili and Peru.	617
	Mr. Seward to Mr. Tassara.	June 22	Same subject	618
	Mr. Tassara to Mr. Seward.	July 4	Same subject	619
	Do	July 21	Same subject	620
	Do	July 24	Same subject	621
	Do	July 28	Same subject	622
	Do	Aug. 2	Same subject	622
	Mr. Seward to Mr. Tassara.	Aug. 2	Same subject	623
	Do	Aug. 4	Same subject	623
	Do	Aug. 7	Same subject	623
	Mr. Tassara to Mr. Seward.	Oct. 29	Slave trade in Cuba	624
	Do	Nov. 17	Neutrality of the United States in the war of Spain with Chili and Peru.	625
	Mr. Seward to Mr. Tassara.	Nov. 20	Same subject	625

AUSTRIA.

		1865.		
134	Mr. Motley to Mr. Seward.	Dec. 11	The situation in Austria. The Diet of Hungary. Lower Austria.	625
137	do	Dec. 18	The Reichsrath statute. Speech of the Emperor on the opening of the Diet at Pesth. His remarks on the same. The situation in Austria.	629
		1866.		
141	do	Jan. 8	Financial condition of Austria	632
145	do	Feb. 13	Address of the Hungarian Diet to the Emperor. His views of the same.	635
146	do	Feb. 19	Same subject	636
149	do	Feb. 27	Same subject	641
152	do	Mar. 19	The royal rescript at Pesth and the address of the Diet to the Crown. Review of the situation of Austria.	642
157	do	April 1	Same subject. War imminent between Prussia and Austria	650
160	do	April 10	Austrian and Prussian affairs. Probability of a war	653

AUSTRIA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.		
162	Mr. Motley to Mr. Seward.	April 17	Austria and Prussian affairs. Probability of a war	657
163	.....do	April 18	Same subject	[illegible]
166	.....do	April 25	Same subject	659
179	Mr. Seward to Mr. Motley.	April 30	Same subject	660
168	Mr. Motley to Mr. Seward.	May 1	Same subject	660
172	.....do	May 9	Same subject	662
175	.....do	May 16	Austrian and Prussian affairs. War imminent	663
179	.....do	May 30	Same subject	664
182	.....do	May 30	Austrian and Mexican affairs	664
184	.....do	June 6	Austrian and Prussian affairs. War imminent	665
188	.....do	June 19	The imperial Austrian manifesto. Declaration of war between Austria and Prussia.	667
189	.....do	June 19	Mexican affairs	670
194	Mr. Seward to Mr. Motley.	July 2	Austrian and Prussian affairs	671
191	Mr. Motley to Mr. Seward.	July 3	Austrian and Mexican affairs	671
193	.....do	July 3	The war between Austria and Prussia	671
195	Mr. Seward to Mr. Motley.	July 6	Same subject	673
193½	Mr. Motley to Mr. Seward.	July 11	Same subject. Defeat of Austria	673
198	.....do	July 24	Same subject	676
201	.....do	Aug. 1	Armistice between Austria and Prussia and Italy. The results, &c.	679
202	.....do	Aug. 15	Same subject	682
208	.....do	Oct. 17	Visit of Mr. G. V. Fox to Vienna	683
211	.....do	Oct. 31	Attempt on the life of the Emperor	684
215	.....do	Nov. 14	Present condition of affairs in Austria. Results of the war	685
207	Mr. Seward to Mr. Motley.	Nov. 16	Attempt on the life of the Emperor	687
211	.....do	Nov. 20	Present condition of affairs in Austria. Results of the war	688
	AUSTRIAN LEGATION.	1865.		
	Count Wydenbruck to Mr. Seward.	Dec. 26	Exhibition in Vienna in 1866	688
		1866.		
	Mr. Hunter to Count Wydenbruck.	Jan. 11	Same subject	689
	Count Wydenbruck to Mr. Seward.	May 27	Austrian and Italian affairs	690
	Mr. Seward to Count Wydenbruck.	July 16	War between Austria and Prussia. Manifesto of Austria	690
	Count Wydenbruck to Mr. Seward.	Nov. 16	Occupation of Matamoras by United States troops. Claims of Austrian subjects plundered there.	691
	Mr. Seward to Count Wydenbruck.	Nov. 28	Same subject	691
	Count Wydenbruck to Mr. Seward.	Dec. 5	Same subject	693

CORRESPONDENCE.

GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 1092.] LEGATION OF THE UNITED STATES,
London, November 22, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1576 to 1582 inclusive.

In regard to No. 1580, of the 4th of November, it did not seem to me that there was any good reason for postponing the communication to this government of the final answer to the feeble proposal of Lord Russell; so I drew it up and sent it last evening.

A copy of my note is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr Adams to Earl Clarendon.

LEGATION OF THE UNITED STATES,
London, November 21, 1865.

MY LORD: I have the honor to inform your lordship that the notes elicited by the proposal for a commission to consider classes of claims growing out of the late difficulties in the United States, made by your predecessor, the Right Hon. Earl Russell, in his letter addressed to me on the 30th of August last, have received the careful consideration of my government.

Adhering, as my government does, to the opinion that the claims it has presented—which his lordship has thought fit at the outset to exclude from consideration—are just and reasonable, I am instructed to say that it sees now no occasion for further delay in giving a full answer to his lordship's proposition.

I am directed, therefore, to inform your lordship that the proposition of her Majesty's government for the creating of a joint commission is respectfully declined.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1093.] LEGATION OF THE UNITED STATES,
London, November 22, 1865.

SIR: I now send you a copy of my note in reply to Lord Russell's of the 2d instant.

The more I consider the subject, the more extraordinary seems to me the reckless character of the assertion made by his lordship respecting the facts in the Portuguese case. Having access only to the printed documents—though

these seem to contain all the material portions of the correspondence between the government and the Portuguese representatives—I could not deal quite so confidently with him as, with your ampler means of verification, you could have done. Yet I trust I have not hazarded anything which the facts will not sustain. The attempt to shift the responsibility for the feeble performance of an acknowledged duty by an appeal to the precedent furnished by the United States, which is misrepresented to sustain it, forms one of the memorable events of this extraordinary history. I say nothing of the unusual course of discussing the transactions of a foreign nation with an assumption of authority which breaks down at almost every step.

With this paper I gladly take leave of the controversy, so far as I may have assumed the responsibility of any share in it. It has given me much satisfaction to learn that, so far as you had been placed in possession of it at the time of writing, you were disposed to view it with approbation.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Clarendon.

LEGATION OF THE UNITED STATES,
London, November 18, 1865.

MY LORD: I have the honor to acknowledge the reception of a note from your predecessor, the Right Honorable Earl Russell, dated the 2d instant, in reply to one which I addressed to him on the 18th of September last, on certain important questions now under consideration between her Majesty's government and that which I have the honor to represent. It is with the most profound regret that I am thus compelled to open my relations with your lordship in a spirit of controversy. I can only urge in extenuation of this proceeding, the great importance of the subject under consideration, not simply as between two countries, but from their wider bearing on the future relations of all the civilized nations on the globe. Furthermore, I flatter myself that from the contraction necessarily going on of the topics under treatment, we may before long arrive at some sort of termination of a discussion already on my part, I fear, rather tediously protracted. His lordship's note appears to be substantially confined to the consideration of two classes of facts, both of them bearing upon the establishment of one general principle of the law of nations, to wit: The obligation of a neutral country to belligerents to do everything within its power to maintain its neutrality inviolate. This obligation his lordship appears to maintain to be fully acquitted by the adoption of such measures as the neutral itself may judge sufficient, without regard to any remonstrances of the belligerents. And without entering into argument on the abstract question, he contents himself with vouching the conduct of the United States in past cases, in full justification of the course taken by Great Britain, and complained of by the United States, in the progress of the late war.

The chief of the cases relied upon by his lordship is that in regard to certain claims for indemnity for injuries done to the commerce of Portugal by vessels illegally fitted out in the United States. In order to define the nature of the question thus raised, it would seem to be proper first to note how far his lordship and I are agreed. After which it may be made more clearly to appear wherein we are so unfortunate as to differ. By consenting to cite the language and the action of the United States government in the Portuguese case so freely as his lordship does, as a precedent to justify the later course of her Majesty's government now drawn into question, it is obvious that he must have given to them the high sanction of his approbation. On my side I have already in a preceding note expressed it as my opinion that the grounds taken in that case by my government were impregnable.

It necessarily follows that on this point we are fully agreed. Where there is no difference it is obviously superfluous to continue an argument. Here I would beg permission to observe that in all the previous examination of this topic, I have carefully abstained from the task of affirming that a neutral power is absolutely responsible for the injurious consequences of any and every violation of neutrality that may originate within its territorial limits, without regard to the circumstances attending each case. The proposition which I have affirmed, and still do continue to insist upon, is, that a neutral is responsible for all injuries which may so ensue to a friendly nation, when it fails to exercise all the means in its power for prevention, and constitutes itself the sole judge of the extent to which it will refuse to resort to

stronger ones within its reach, when the old ones are proved by the injured party to have been wholly inadequate to the emergency.

With the light shed by this explanation, I now propose very briefly to set forth those points in the respective action of the United States towards Portugal, and of Great Britain towards the United States, wherein they appear to me to differ so essentially and radically as to make it impossible to bring them within a reasonable parallel.

1. The United States did not recognize the insurgents in South America as a belligerent, until the fact of the presence of their armed vessels was made patent to them on the ocean. But Great Britain did erect the insurgents in the United States into a belligerent before they showed a vessel on the sea, before they organized an army on land, and before they had done a thing but declare an intention to do what they never subsequently executed.

2. Upon the first notice given to the government of the United States that the neutrality of their ports was violated by South American insurgents, making outfits in connection with their own citizens, they immediately put in force the provisions of the existing law. Prosecutions were instituted against the foreign agents as well as citizens, and decrees of restitution were obtained from the judicial tribunals in the cases of captured property. In other words, nothing was left undone that energy could do to bring to bear existing preventive legislation against these offenders.

One particular instance of the desire to perform their obligations is worthy to be presented to your notice more particularly, inasmuch as it incidentally explains as well the public sense of the extent of the obligation of a neutral power in similar cases, as of the responsibility entailed from an insufficient performance of it. It appears that some of the insurgent emissaries, in conjunction with desperate adventurers of the United States, went to the extent of seizing and occupying two different spots on the American coast, neither of them within the recognized jurisdiction of the Union, nor yet within that of any responsible power. Here they made bases from which to conduct their hostile operations against the commerce of Spain and Portugal, very much in the manner but not nearly with so much success as Liverpool in this kingdom, and the port of Nassau, were made bases of operations against the commerce of the United States by insurgent emissaries during the late war. These proceedings soon attracted the attention of the President, who dwelt upon the necessity of adopting prompt measures of prevention in his annual recommendations to Congress in the year 1817. The matter was referred in course to the consideration of a committee of the House of Representatives, which made a report recommending that these establishments should be at once suppressed, by force if necessary.

Among the reasons given for resorting to this summary proceeding are the following, to which I ask a moment of your lordship's attention:

"The immediate tendency of suffering such armaments in defiance of our laws would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and, *if not checked by all the means in the power of the government*, would have authorized claims from the subjects of foreign governments for indemnities at the expense of this nation, for captures by our people in vessels fitted out in our ports, and, as could not fail of being alleged, countenanced by the very neglect of the necessary means of suppressing them."

It would be difficult to express in more forcible language the principle established by the law of nations than is done in these sentences. The action recommended was, moreover, performed so promptly, that soon after the President, in a special message, was enabled to announce that the piratical establishments at Amelia island and at Galveston had been suppressed. The paramount necessity had been thought to justify the exercise of power, even over territory not within the national jurisdiction.

But when I turn my attention to the proceedings of her Majesty's government as they are noted in the dreary list of my representations and complaints contained in the printed memorandum furnished to me, with his lordship's note of the 2d instant; when I perceive real justice to have been so seldom done and so often defeated, however good the intentions may have been; when I note the omissions of all reference to the endless remonstrances made by myself against the establishment of a naval bureau in Liverpool, conducted by insurgents, mentioned and particularized by name, because not a single step was ever taken either to prevent their action or to punish them, I cannot but be sensible of a difference in the preventive action of the two countries in similar circumstances, which would ever forbid me from classing them together in one connection for a single moment.

3. It is not, however, denied that in the one case, as in the other, several cases of illegal outfits took place which the existing laws proved inefficient to prevent or punish.

In that of the United States, the representation of the aggrieved power made at once a direct appeal to the government, stating the cause of the difficulty and soliciting a new movement, for the purpose of obtaining from the requisite source stronger powers of prevention; to which that government immediately responded by recognizing the justice of the complaint and at once adopting the suggestion.

If her Majesty's government has at any time in this struggle followed that example, it has escaped my observation. I should be glad to be corrected when I affirm that it has done the directly opposite thing.

Here I may be permitted for a moment to refer to a passage of his lordship's note, which

appears to have been called out by a hypothetical description I ventured to give of the consequences that might ensue to the world, if neutral nations constituted themselves the sole judges of the degree in which they had done their duty under a code of their own making.

To this phrase his lordship is pleased to retort as follows:

"Yet, as far as I can judge, your Secretaries of State always maintained that the United States, as a neutral power, were the sole judges of the degree in which it had done its duty under a code of its own making."

To which I would beg permission to observe that his lordship can scarcely presume me to maintain that in the literal sense my country does not make its own code of laws.

What I did mean to do was to distinguish by this term a country which was ready to accept suggestions from foreign powers for an improvement of a code designed to give the protection they are entitled to by treaties, as well as international law, from one which determined to abide by its own system, without regard to external representations. By keeping in mind this distinction in connection with the facts already stated of the action of my government, it will then appear that his lordship is in error when he declares "that our Secretaries of State (meaning those of the United States) made themselves the sole judges of the degree in which the country had done its duty under a code of their own making." So far was this from being true that they admitted that the country had not done its full duty, and they proceeded to amend the code, at the suggestion of a foreign power that claimed to be aggrieved "Hence it is that the code was not of their own making."

If there be a shadow of doubt left on this point, I will proceed to disperse it by the following extracts:

On the 20th of December, 1816, Mr. Correa de Serra addresses these words to the Secretary of State:

"I apply, therefore, to this government in the present instance, not to raise altercations or to require satisfaction which the Constitution of the United States has not, perhaps, enabled them to give, but because I know that the supreme executive of this nation, all-powerful when supported by law, is constitutionally inactive when unsupported by it. What I solicit of him is the proposition to Congress of such provisions by law as will prevent such attempts for the future."

To which application Mr. Monroe, then Secretary of State, replies as follows on the 27th of December, 1816:

"I have communicated your letter to the President, and have now the honor to transmit to you a copy of a message which he has addressed to Congress on the subject, with a view to obtain such an extension by law of the executive power as will be necessary to preserve the strict neutrality of the United States in the existing war between Spain and the Spanish colonies, and effectually to guard against the danger in regard to the vessels of your sovereign, which you have anticipated."

And on the 13th of March Mr. Rush, then Acting Secretary, writes to him as follows:

"The act of Congress, passed on the 3d of this month, to preserve more effectually the neutral relations of the United States, *being upon the subject brought under consideration in your letter to this department of the 20th of December last*, I have the honor, by direction of the President, to transmit for your information the enclosed copy of it.

"The President feels sure that your sovereign will perceive in the spirit and scope of its provisions a distinguished proof of the desire which animates this nation to maintain with his dominions and subjects the most harmonious relations."

But when I turn to the other side of the picture, and view the action which her Majesty's government has thought it proper to take in answer to similar representations made by me on behalf of my government; when I observe that the appeals to the existing law have been almost uniformly of a kind to prove its utter inefficacy; and when, upon my making representations as to the expediency of further legislation to enlarge the powers of the government to an extent adequate to the emergency, I find that proposal positively declined, it seems to me that here again the parallel sought to be made utterly fails.

I would respectfully ask whether, in the correspondence just laid before your lordship, there be any language similar to that which his lordship, in one of the notes which he did me the honor to address to me, used to me:

"Surely we are not bound to go on making new laws *ad infinitum*, because new occasions arise."

Here I would respectfully submit that if his lordship be right in his assertion, that new laws *ad infinitum* are not required by new occasions, it is difficult to explain the reason for the existence of so many legislative bodies and such multiplied statute books. Surely the government which I represent would not have so repeatedly acceded to the solicitations of her Majesty's government, as it has done, to "make new laws for new occasions," under any other plea.

But I am in candor bound to observe that even in this doctrine there has been during the late struggle a singular variation in the practice of her Majesty's government which I ask your lordship's permission to point out. At a very early date the exposed nature of the frontier bordering upon Canada became so much a subject of anxiety to my government that I was instructed to bring the matter to the attention of his lordship, with a view to the establishment of more effective preventive measures on the Canadian side than were thought to be then

within reach. To that end, in the early part of December, in 1863, in a conversation which I had the honor to hold with his lordship, after explaining the reasons of my government for the danger apprehended in this quarter, I proceeded to propose the adoption of a form of law, on the part of Canada, resembling that which had been enacted on our part in 1838, to meet a similar emergency then happening there. It is true that for a considerable period I had no reason to presume that this proposal had been more favorably received than any other of the same kind I had been called to make; but when, one year later, information was received of the extreme peril into which Canada had been thrown by the violent enterprise executed by some of the insurgents established in that province upon the peaceful town of St. Albans, I then had the satisfaction of learning from his lordship that the suggestion had been adopted so far as that her Majesty's government had recommended to the authorities of Canada to procure the enactment of the suggested law. In this case, then, it is clear that the imminent danger of a rupture between the two countries had brought on an acknowledgment of the necessity of going on to "make a new law to meet a new occasion." But surely her Majesty's government would not be willing to give even a color to an inference that nothing but a necessity to avoid a war would be a sufficient motive to induce it to recognize an obligation to make a new law. If the reasons for the suggestion were equally valid in all cases, I fail to perceive upon what principle the nature of the answer should be made to depend upon the merely accidental pressure of the circumstances attending the moment when it was made.

Without pressing this topic further, I would then beg to observe that in any event, however the facts attending the Portuguese claim as now explained may be viewed, one thing is indisputable, and that is that there is a wide divergency in the nature of the two cases sought to be brought together.

It is plain that neither in the commencement nor in the proceedings under the existing laws, nor yet in the mode of treating the suggestion of new legislation, was there any resemblance whatever in the tone or the action of the respective governments. Hence I am constrained to arrive at the conclusion that, whatever may be thought of the conduct of the government of the United States in its relations towards Portugal, there is no parallel to it in that of Great Britain towards the United States, by which the latter may be tested by way of justification. Considered as a precedent, for which alone the case seems to have been quoted by his lordship, I must insist that the evidence entirely fails to establish its authority.

On a general review of these marked differences, considered in the light of the rule of international law laid down at the outset of this letter, it may now be said that one government appears to have done all that it was reasonably asked to do, and that it could do to preserve its neutrality, whilst the other certainly could have done more, but deliberately refused, and accepted the responsibility for that refusal.

Hence, I must respectfully submit that, before his lordship concludes to adopt the language used by the United States in answer to Portugal, he should be prepared with proof to show that he has likewise adopted the action on which they based it.

I should here gladly close my portion of this long controversy, if it were not that his lordship has, in his note to which I now have the honor to reply, thought fit to open a new matter which I cannot decline to notice. It has happened in the course of this extended discussion that he has, on more than one occasion, deigned to give me the fruits of his examination of various points of history in my own country. In the first instance his lordship was pleased to apprise me that Spain had never received any compensation for the claims of her citizens against the United States. By the aid of a little light I think I succeeded in dispersing that illusion, so that it has not been made to appear again. Again, his lordship was pleased to inform me that the enlistment acts of the respective countries were, in their main provisions, similar and co-extensive. Here I respectfully pointed out to his attention the fact that certain important provisions were contained in the one that were not to be found in the other—provisions which we at least regarded as having proved, in practice, the most efficient in the whole law.

His lordship, in the note to which I am now replying, has been kind enough to take notice of this difference, and goes on to describe the nature of the provisions he had overlooked. But it appears to be only for the purpose of trying to convince me that, in my statement of their superior efficacy, I am utterly wrong. Hence, the argument appears to follow somewhat after this fashion:

His lordship having proved to his satisfaction that those provisions of the law which her Majesty's government did not adopt were as susceptible of evasion as all the others which it did adopt, it must necessarily follow that her Majesty's government were fully justified in declining a proposal to make any amendment whatever of its existing statute.

To which I would respectfully venture to reply, that even had the result proved to be as supposed, yet the position of her Majesty's government, if it had consented to make the experiment, would have been, at least to my eye, infinitely stronger than it is now. It might then have replied to all complaints, as the United States replied to Portugal—that everything in its power had been done, even to the extent desired by the complaining party. Whereas, by a refusal to recognize the justice of the request, it appears to have placed itself in the attitude of a party deliberately assuming the responsibility of declining to use those powers legitimately within its reach, wherewith to fulfil its most imperative obligations.

But I am constrained to go further, and affirm that I can by no means subscribe to the

opinion which his lordship is pleased to express as to the ineffective nature of the provisions of the law to which he has referred. It is not without extreme surprise that I find him use the precise language respecting it, which I beg permission here to quote:

"Now I contend, first, that for ten years these provisions proved utterly inefficacious to prevent the fitting out of privateers at Baltimore, as shown by the fact that the complaints of the Portuguese ministers of captures and plundering by American privateers were more frequent and extended to a larger amount of property after 1818, than they had done from 1816 to 1818."

It is difficult for me to describe the high degree of astonishment with which I have read these lines.

In opposition to this grave affirmation of fact, which, I must beg leave to observe, no attempt is made to sustain by any distinct evidence, I am driven to take the liberty to affirm, on my own side, first, that there is not a tittle of specification to show that the fitting out of privateers continued, in any appreciable sense, for ten years after the year 1818; and secondly, that no pretence of that kind is to be found in any of the official remonstrances of the representatives of Portugal, to which I have had access, with one single exception, which I propose presently to notice.

In relation to the point of the efficiency of the law, I shall venture, in opposition to his lordship's reasoning as to what it might be, to confront that which, in the mind of Mr. Correa de Serra, the person through whom all the transactions passed during much the largest part of the period in question, and who had every opportunity to be familiar with them, it really was.

On the 4th of February. 1819, about two years after it had gone into operation, he deliberately used the following language:

"This law, so honorable to the spirit of justice of the government that enacted it, ***has also been found in practice the most useful of the laws existing on this subject.*** Unhappily, the continuance and aggravations of the evil it was intended to remedy seem to render it necessary that this law may still continue in force for some time.

"I apply, therefore, to this government in order to obtain the continuance of this law, ***so necessary to the peaceful trade of the subjects of my sovereign, and so honorable to the character of the United States***, pertectly confident that my request is according to the just and friendly intentions of the chief magistrate and legislators of the Union, and conducive to the consolidation of good harmony between my sovereign and the United States."

On the 4th of June, 1820, he again writes to the Secretary of State as follows, thanking him for still more effective legislation:

"Permit me, sir, to profit of this occasion to offer my thanks to this government for the law that prohibits the entrance of privateers in the most important ports of the Union, and for the other that declares piracy the landing and committing outrages ashore in foreign lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations."

Notwithstanding the very great deference with which it is my desire, as well as my habit, to bow to the judgment of his lordship, if I find myself so unfortunate as to be constrained to express an humble opinion in this case of conflicting authority, I cannot, in candor, disguise my conviction that the correct view is most likely to be that of Mr. Correa de Serra.

But, however efficient this law may have been proved to be by Mr. Correa de Serra, at so late a date as the 4th June, 1820, it is now gravely affirmed that it so wholly lost its efficacy for the ten years following, that more property was captured after 1818 than before, and the complaints of the Portuguese ministers for these captures and plunderings were more frequent than ever.

The natural corollary, should this statement be sustained, would be that, assuming the exertions of the government to have continued the same, instead of improving the efficacy of the old law, the additions of the new provisions must have only made it more worthless than it was before—upon which logic might doubtless be based a very good justification to her Majesty's government for declining to try further legislation altogether.

But, unfortunately, the whole argument falls to the ground when its base disappears. It is not denied that some outfits escaped from Baltimore after the year 1818, but it is denied that the complaints made for captures after that time bore any fair proportion to those made before. It never has been pretended that any law could be made so perfect, or any vigilance could be so complete, as to put an end to the efforts of profligate and desperate men. The grave error into which his lordship has fallen appears to have originated in an *ex parte* letter written by a minister from Portugal at Washington, thirty years after the date of the events, in which letter and the caption of a list embracing the names of vessels captured, he includes them vaguely within two distant dates, of 1816 and 1828. It is, however, remarkable, that in the letter itself containing his own recapitulation of the facts, no date of a capture is given later than 1820. By turning to the original representations made by his predecessors, the same fact distinctly appears.

I have carefully examined these representations to trace the dates of the claims embraced in that list, and find much the greater proportion included within the period of residence of Mr. Correa de Serra, ending in that year. So also of the gross amount of value assigned in 1850 as an indemnity for all the damage done during the entire period, which is less than three hundred thousand pounds; I find a great proportion embraced in an early and *more trustworthy* representation made by the same person.

Such being the facts, I submit whether with such small support as can be given by this wholly *ex parte* and vague averment, his lordship has not a little crossed the verge of international courtesy, by venturing, without any personal experience whatever of American legislation, and in the face of the statement of M. Correa de Serra, which he must have read, to hazard an assertion, still more give rise to an impression like that necessarily produced by the languge already quoted. Standing, as I do, the defender of the law of my country, it is with regret that I am compelled to protest against it, as wholly unsubstantiated by any facts adduced, and in every essential particular incorrect.

Neither were those the only cases in which the efficacy of these provisions of law has been fully testified. It is not a very long time since I had the honor of calling the attention of her Majesty's government to an instance of the remarkable promptness with which action was had under them upon a request made by the representative of her Majesty's government at Washington. When Mr. Crampton, on the 11th of October, 1855, directed the attention of my government to the character of a vessel in New York, then believed by him to be fitting out as a privateer, it was by virtue of the authority vested in it by one of the sections of this law that she was seized on the 19th of the same month, and taken possession of by the officers of the law in such a manner as to prevent all possibility of escape. It required but four days to prosecute the investigation before her Majesty's representative was led to declare his satisfaction with the result to which it had reached, and desired the process to be stopped. When I compare the celerity of this effective proceeding with the feeble nature of the process that ended in the escape of the Alabama, in defiance of the British authority—whilst I give due credit to her Majesty's government for good intentions, it seems difficult to assent to the view which his lordship has been pleased to take of the slight difference in the inefficacy of the legislation of the respective nations. In any event, I cannot but think their future harmony would have been much more certainly secured by a consent to try the experiment in season, than by an endeavor, after great injury has been done, to prove that it might not under circumstances have been averted.

But it would appear superfluous to pursue this investigation further, in view of the fact that, whether these provisions of the American law were or were not effective, it never was any part of my instructions to urge their adoption upon her Majesty's government. I was instructed only to suggest the expediency of having recourse to such additional measures as it might think proper to choose, to the end of making the laws of Great Britain more effective. And it was in that form only that her Majesty's government decided to decline the proposal. The decision was not against the adoption of the law of the United States; it was against doing anything at all.

Neither in presenting the argument, which I have been called to do in the course of my duty here, can I for a moment permit an implication that my government has either "made a demand which aims at the diminution of British freedom, or which assumes, without warrant from any previously recognized authority or practice, the existence of an extent of obligation on the part of neutrals towards belligerents, going beyond any which the government of a free country could have power, though acting with entire good faith, punctually to fulfil."

I feel very sure that my country is quite as jealous of the preservation of the true principles of freedom as Great Britain is, or ever has been; and further, I fully believe that neither government would consent to give the term that latitude which would encourage the power of doing wrong with perfect impunity.

The suggestion which his lordship has been pleased to make towards the close of his note of improvements in the statutes of both nations, to the end that greater security may be given to the respective nations against those who endeavor to evade its laws—though it appears to me to be in substance little more than it has been the object of my government from the outset of the war to obtain—is yet one which I cannot but receive with great respect, and which I shall transmit to my government with pleasure. If the reasons for it are sound now, I am at a loss to perceive why they did not avail during a period when my country could have felt the benefit of them. I trust I need not repeat how much pain it has given me heretofore to witness the evil consequences that ensue from the alienation of sentiment that has grown out of this struggle between people of the same race, and how cheerfully I welcome every appearance of a desire to bring them back to harmony. Yet, with regard to the proposition immediately before me, I cannot forbear to observe that it is predicated upon an assumption that the legislation of the two countries is now equally inefficacious, which I cannot entertain for a moment. On the contrary, the necessity for some action in future seems to me to be imperative, because that legislation, as it now stands, is not coextensive.

For it is hardly possible for me to imagine that the people of the United States, after the experience they have had of injuries from the imperfection of British legislation, and a refusal to amend it, would be ready cheerfully to respond to another appeal like that made in 1855, by her Majesty's representative, to the more stringent and effective protection extended by their own. The great preservative of harmony between nations is the full recognition of reciprocity in their obligations. So long as the heavy list of depredations upon American commerce, consequent upon the issue of a succession of hostile cruisers, built, fitted out, armed, manned, and navigated from British ports, with perfect impunity, continues to weigh

upon their minds, it would be the height of assurance in me to hold out any encouragement to the acceptance of proposals, the practical consequence of which might be to place Great Britain in precisely the same degree of security in dangerous emergencies which she herself, when applied to, had deliberately refused to accord to them.

In regard to the parting words in his lordship's note, I have already too often had occasion to express the sentiments of my government to leave any doubt of the sense in which I accept them.

In the performance of a duty which has been too often painful, whilst his lordship has been officially the person to whom it has been my lot to address my representations, I have been steadily cheered by the conviction that he was substantially animated by the feeling that prompted those lines. I have the greatest pleasure in believing that in assuming the duties of his post under his auspices, my country may rest satisfied that the accession of your lordship has brought about no unfavorable change.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1094.] LEGATION OF THE UNITED STATES,
London, November 22, 1865.

SIR: Two or three events have occurred this week which give a slight clue to the future character of the ministry.

The first of these is the retirement of Sir Robert Peel from the post of secretary for Ireland, and the transfer to that place of Mr. Chichester Fortescue, heretofore the assistant secretary in the colonial office.

The second is the retirement of Mr. William Hutt from the vice-presidency of the Board of Trade, and the appointment of Mr. Goschen, one of the representatives of the city of London, in his place.

Two vacancies yet remain unfilled: the chancellorship of the duchy of Lancaster, and the second post in the colonial office. It has been intimated to me that Mr. Forster has been in communication with the prime minister with a view to his acceptance of some post. He has certainly been in town, though I have not seen him. But I very much doubt whether he would consent to take anything that will be likely to be offered to him.

All these incidents, however, look one way. They signify a preference for the support of the liberal section of the majority with an intention to assume some positive form of policy. It is rumored that a measure to extend the franchise is already in agitation, and will be matured during the interval before the assembly of the new Parliament for business in February. There can be no doubt that this will be the signal for a struggle of more or less severity, involving a material modification of parties.

Thus far no indication has been given of the precise nature of the measure about to be proposed. It is not unlikely that this policy may be persevered in for the sake of narrowing the time for the preparation of entangling embarrassments by the opposition.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1095.] LEGATION OF THE UNITED STATES,
London, November 23, 1865.

SIR: I have the honor to transmit copies of two notes of Lord Clarendon to me—one of the 17th, the other of the 18th—on the case of the Shenandoah, and of my reply to both on the 21st instant.

I see no good reason for continuing this correspondence on my part any further. It may be that you will deem it worth while to notice Lord Russell's singular proposal of prospective legislation, the only point now apparently remaining open between the two governments. But that would scarcely seem likely to call for much explanation. In any event I hope to be able to restrict myself hereafter closely within the line of your instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 17, 1865.

SIR: Her Majesty's government are glad to find, by your letter of the 14th instant, that you entertain no doubt that the promptness of the proceedings taken by them for the delivery up of the Shenandoah will give great satisfaction to the government of the United States.

With respect, however, to the disappointment which you express as to the manner in which the officers and crew of that vessel have been dealt with by her Majesty's government, after having before them the voluminous papers with which you had furnished them, showing the character of the proceedings in which they were engaged, I must observe that there was nothing in the depositions and other papers of which you forwarded copies to this office, which, even if it had been capable of being substantiated in evidence in this country by deponents present at Liverpool before the crew of the Shenandoah were dispersed, would have tended to show that any capture had been made, or attempted, by Captain Waddell or his crew, after and with notice of the termination of the war. And I must further observe, that even if the case had been otherwise, those papers would not have been receivable as evidence before any magistrate; and that unless some material facts could have been deposed to by one or more witnesses present in this country, no magistrate could have kept any persons in custody upon any charge founded upon the statements in those papers.

I may add, that if any evidence in support of a charge of piracy had been forthcoming, it was quite as competent for any officer or agent of the government of the United States, or even for any private person, to have taken the necessary proceedings before a magistrate, as it was for her Majesty's government to do so.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Lord Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 18, 1865.

SIR: I have now the honor to reply to the letter which you addressed to my predecessor on the 21st of October last respecting the proceedings of the late confederate steamer Shenandoah in the Pacific.

But I must, in the first instance, observe that in alluding to the answer given to you by Earl Russell on the 26th of September, 1864, respecting the conduct of the yacht Deerhound in rescuing from the sea a portion of the crew of the confederate steamer Alabama after her conflict with the United States cruiser Kearsarge, you omit to notice the principal passage in that answer, in which Lord Russell says, "In point of fact, however, her Majesty's government have no lawful power to arrest and deliver up the persons in question." [That is, the persons rescued from the sinking Alabama.] "They have been guilty of

no offence against the laws of England, and they have committed no act which could bring them within the provisions of the treaty between Great Britain and the United States for the mutual surrender of offenders. And her Majesty's government are therefore entirely without any legal means by which, even if they wished to do so, they could comply with your above-mentioned demand;" [namely, that those officers and men should now be delivered up to the government of the United States as escaped prisoners of war.] I may add, that if beyond the limits of British territory the commander of the Deerhound had improperly interfered to protect the officers and crew of the Alabama from the belligerent rights of the United States, it was for the commander of the Kearsarge to use the means in his power for the prevention of such interference.

Once upon British soil, they were entitled to the protection of British laws, which they had in no respect violated; and her Majesty's government could not deprive them of that protection because of the possibility (whether afterwards realized or not) that they might again leave the country and become engaged in further hostilities with the United States. The demand for their delivery up, which was made by you, was in fact identical with one which had at various times been made by foreign governments—for the extradition or expulsion of other foreign refugees, Poles, Hungarians, and others, and to which the invariable answer had been that the laws of this country did not empower the government to take any such measure. The answer to every such demand is found in the fundamental institutions of this country, in the law of habeas corpus and of trial by jury. If any evidence had been offered to her Majesty's government identifying any of those persons as British subjects who had unlawfully enlisted in the service of the Confederate States, or who were guilty of any other violation of our laws, they would have been duly prosecuted; but no such evidence was brought forward.

The case of the Deerhound, therefore, furnishes, when examined, no materials for complaint against her Majesty's government.

The next subject of complaint preferred by you is the conduct of her Majesty's government in not preventing the vessel called the Sea King from leaving the shores of England to join another vessel called the Laurel, which was sent to meet her near Madeira with arms and ammunition.

You do not affirm that her Majesty's government had any power or jurisdiction over either of these vessels when beyond the limits of British territory; but unless that assertion be made or implied the complaint falls to the ground; for while these vessels were in British waters no information was given (much less was any offered) to her Majesty's government to show that any persons concerned in their outfit and equipment were guilty of, or were contemplating, any infringement of the foreign enlistment act, or of any other law in force in the United Kingdom, nor even that they were suspected of being engaged in any design whatever hostile or dangerous to the United States.

Your complaint, indeed, is against the general laws of this country. The executive power of the British Crown does not, nor does the executive power, as the act of Congress of 1818 is understood in this country, of the United States, extend to the detention and seizure of an unarmed merchant vessel, on the mere suspicion that she will, or may, be armed at sea in the waters of a foreign power.

Under the municipal law of this country, (which goes at least as far as any obligation which may be supposed to attach to it under the law of nations,) the British government is able to detain and prosecute natural-born British subjects who may enter into the war service of a foreign power without the license of the Crown, or who, within her Majesty's dominions, may fit out, arm, or equip (or attempt to fit out, arm, or equip) vessels to cruise or commit hostilities against any states in amity with her Majesty. But the British laws do not and cannot effectually reach subjects of her Majesty who may go to a foreign state and there enter into any kind of naval or military service. You are well aware that many subjects of her Majesty have gone from this country to the United States, and have there, during the present war, entered into the military service of the United States and fought against the armies of the confederates, contrary to her Majesty's proclamation.

Such occurrences as these the law of England (and, her Majesty's government believe, the law of the United States) cannot prevent, and has very rarely the power to punish. It is obvious (as you, indeed, admit) that the law which prohibits the equipment of vessels destined to make war on states with which her Majesty is at peace, may, like most other human laws, be evaded. No human means can in all cases effectually prevent individuals from purchasing or otherwise acquiring a vessel with the secret intention of arming her beyond the territorial limits of the country, and then cruising against a state with whom her Majesty is at peace, or from successfully executing that intention. It is distinctly denied that the government of any state is, upon any recognized principle of international law, responsible for such an event.

Feeling, as it would seem, that for the equipment and armament of the Shenandoah no original responsibility can reasonably be cast on her Majesty's government, you represent, as the main substance of this part of your complaint, that this vessel, after she had been equipped and commissioned, was recognized by her Majesty's government as a public ship of war of a lawful belligerent, and was admitted as such into British ports.

This is in truth nothing more than the often-repeated objection to the course adopted by her

Majesty's government in recognizing both parties in the late war as belligerents, (and if belligerents at all,) then as belligerents wherever they were found actually carrying on war, whether by sea or by land.

You are of course aware that the Sea King was transferred, when beyond the territory of her Majesty, to the agents of the Confederate States, and from them, (while still beyond her Majesty's territory,) received a commission as a ship of war under the name of the Shenandoah. It was a necessary consequence of the principle of neutrality, and of the recognition of the state of war, (by virtue of which alone the blockade was enforced with so much severity against neutrals by the United States,) that the validity, for the purposes of the war, of such a commission should be recognized by the government of this country. The supplies given to this vessel, and the hospitality afforded to her in a British port during the continuance of the war, were merely the same which were always afforded to the vessels of war of the United States. To refuse them in such a case would have been not to vindicate, but to depart from, the neutrality declared by her Majesty. If the fact were, as you suggest, that the supplies so afforded had the effect of enabling the Shenandoah to continue hostilities after the Confederate States had ceased to be belligerents, it is obvious that such an occurrence might equally take place in any other case in which a ship of war of any belligerent nation, having taken in ordinary supplies at a neutral port, might continue hostilities after the restoration of peace, either through ignorance of that fact, or from any less excusable motive.

So far, then, as your objection to the enjoyment of belligerent rights by the Shenandoah in the ports of Great Britain is founded on the allegation of her original illegal equipment, I have already sufficiently pointed out that the circumstances of her equipment were not such as, in the eye of the English law, or, consequently, in the view of the English government, could be regarded as illegal. She was, therefore, as long as the war subsisted, naturally treated on the same footing as any other vessel of a recognized belligerent power.

But even had the case been otherwise, and had her equipment and origin been undoubtedly illegal, I should have experienced hardly less surprise at the claim put forward on behalf of the United States in the following sentence of your despatch: "In consenting to receive the vessel after the facts of its illegal origin and outfit had been satisfactorily established, I cannot resist the conviction that her Majesty's government assumed a responsibility for all the damage which it has done." If I needed (which in this case I do not,) to find an answer to a claim founded upon such principles, I should have to seek no further than the records of recent American law and the practice of modern American statesmen. In that chapter of American history which has lately become familiar in these discussions, relating to the transactions which arose out of the revolt of the South American republics, will be found a complete refutation, from American authorities, of the doctrine on which you now appear to insist. As you are well aware, numerous vessels of war were fitted and refitted, under the commission of the revolted states, in the ports of the United States to cruise against the commerce of Spain and Portugal. These vessels started on their original voyage manned and armed in the ports and by the subjects of the United States, and returned to the same ports over and over again after repeated cruises. Though the fact of the illegal origin and equipment of such vessels was established, not by vague surmise or *ex parte* statement, but in several instances by judicial proof adduced in suits instituted for the restoration of their prizes when brought within the neutral jurisdiction, the government of the United States does not appear ever to have taken any step for the purpose of excluding any of these vessels from the full and unrestricted enjoyment, within their own ports or elsewhere, of the same rights (with the single exception of the right to retain prizes brought in) which it accorded to any other ships of war of a belligerent power; nevertheless, so far from admitting that by such conduct, as you now contend, "they assumed a responsibility for all damage done" by such vessels, your government distinctly repudiated any such responsibility when urged upon them by arguments almost identical with those on which you now rely.

While admitting that several prosecutions have been instituted by her Majesty's government against persons amenable to British law, who had been shown by probable evidence to have been guilty of violating the foreign enlistment act, (Captain Corbett, of the Sea King, to whom you refer as having never been brought to trial, is awaiting his trial at the present moment,) you make it, nevertheless, matter of complaint that no legal proceedings have been taken against any of the confederate agents in this country, under whose direction and management various operations, in abuse of her Majesty's neutrality, are said to have been conducted. But no information, supported by evidence on which a prosecution could be judiciously instituted or successfully maintained, has ever been laid before her Majesty's government for the purpose of showing that the laws of this country were in fact so violated by any of those persons.

You are well aware of the extent to which not only municipal but also international law permits either of two belligerents to avail themselves of the resources of a neutral country, by mercantile agencies, by loans of money, and by the purchase and shipment of every kind of munition of war, without giving to the other belligerent any cause of complaint against the country where such operations are carried on.

Full advantage has been taken of this state of international law by the United States themselves during the recent contest. If, in addition to operations of this nature, the confederate agents in this country superintended or directed other designs involving the violation of our

laws, they were careful (as it might be expected they would be) to keep their participation in any such illegal acts as far as possible out of sight. The agency of Captain Bullock for the confederate government was indeed, to some extent, disclosed by parts of the evidence relating to ships which were the subject of actual or contemplated proceedings by her Majesty's government, but not in such a manner nor to such an extent as to make it probable, in the judgment of her Majesty's advisers, that, if proceedings had been instituted against him personally, they would have been attended with a successful result. You refer, indeed, to the recent transmission, under the orders of her Majesty's government, of Captain Bullock's letter to the commander of the Shenandoah, directing him to cease from the further prosecution of hostilities as proof that her Majesty's government have, at least in one instance, considered themselves to be in possession of sufficient evidence of Captain Bullock's authority to control or prevent such hostilities. But it is not clear that proof even of the extent and kind of authority assumed in that letter over the Shenandoah when at sea would have supplied the want of further evidence of any infringement alleged to have been committed by Captain Bullock of the laws of this country. Your surprise, however, on hearing of that circumstance, as well as the inference you draw from it, of the previous possession of evidence against Captain Bullock by her Majesty's government, will, I hope, cease when you learn that this letter was transmitted by her Majesty's government in compliance with the request of Mr. Mason (the known accredited agent in Europe of the Confederate States) made to Earl Russell in a letter dated the 20th of June last, after the conclusion of the war. Whatever might have been the extent of the previous knowledge or ignorance of her Majesty's government with respect to the acts of Captain Bullock, they were entitled to believe, on Mr. Mason's authority, that the letter sent by him for transmission would be effectual for its intended purpose; in which, being a purpose of humanity especially beneficial to the United States, her Majesty's government felt they might safely endeavor so far to co-operate without any risk of being misunderstood by the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Lord Clarendon.

LEGATION OF THE UNITED STATES,
London, November 21, 1865.

MY LORD: I have the honor to acknowledge the reception of two notes from your lordship—one of the 17th instant, the other of the 18th instant—both of them relating to the case of the vessel heretofore known as the Shenandoah.

The arguments presented in those notes appear to me, substantially, so much the same as have been urged in the correspondence I have heretofore had the honor to conduct with your predecessor, that I deem it unnecessary, on my own responsibility, further to enlarge upon the opposite views already submitted.

Regretting that the result has been to bring us no nearer to any agreement in our respective convictions, I shall content myself with transmitting copies of your lordship's notes for the consideration of my government, and awaiting specific instructions.

I pray your lordship to accept, &c.

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1099.] LEGATION OF THE UNITED STATES,
London, December 1, 1865.

SIR: The case of Captain P. S. Corbett, who stands charged with having enlisted certain of her Majesty's subjects on board the Sea King, alias Shenandoah, in violation of the foreign enlistment act, came up in the court of Queen's bench on Wednesday. I have the honor to enclose copies of the Times, of to-day and yesterday, containing a report of the proceedings.

I am, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Times, November 30, 1865.]

COURT OF QUEEN'S BENCH—WESTMINSTER, NOVEMBER 29.

Sittings at Nisi Prius, before the Lord Chief Justice and a special jury.

THE QUEEN *vs.* CORBETT.

This was an indictment against Captain Corbett, for alleged infringements of the foreign enlistment act in the enlisting of men for the Sea King, which afterwards became the celebrated Shenandoah. There were fifty-eight counts in the indictment, varying the charge both as to the names of the men enlisted and as to the particular act of enlistment or attempted enlistment alleged. Thus, the first set of counts relating to a man named Ellison: That Peter Suther Corbett, being a natural born subject of our lady the Queen, on the 19th day of October, A. D. 1864, upon the high seas, to wit, in and on board of a certain British ship called the Sea King, did unlawfully counsel and incite one John Ellison, then being a natural born subject of our lady the Queen, without the leave or license of her Majesty for that purpose, first had and obtained, to enter himself to serve as a sailor in and on board a certain ship or vessel intended to be used for warlike purposes in the service of, and for, under, and in aid of a certain foreign power, that is to say, a foreign power, commonly called the Confederate States of America. Second count, same, except in the service of and for, under, and in aid of certain persons assuming to exercise the powers of government in a foreign country, commonly called the Confederate States of America. Third count, same, except counsel and incite to enter himself "to be employed and engaged in and on board," &c., ending same as first count. Fourth count, same as third, except ending same as second count. Fifth count, same as first, except counsel and incite, &c., "to agree to enter himself to serve," &c. Sixth count, same as last, except the ending, which same as second count, beginning in the service, &c. Seventh count, same as first count, except counsel and incite "to agree to enter himself to be employed and engaged in and on board," &c. Eighth count, same as last, except the ending, which same as in second count, beginning in the service, &c. Ninth count, same as in first count, except counsel and incite "to serve in and on board," &c. Tenth count, same as last, except ending as in second count. There were other counts making similar charges as to the other men, Allen, Ellis, &c. And then, the thirty-seventh count stated that the said Peter Suther Corbett, on the 25th day of September, A. D. 1864, within the United Kingdom of Great Britain and Ireland, and within the jurisdiction of the said court, to wit, at the East India docks, in the parish of All Saints, Poplar, in the county of Middlesex, unlawfully and wilfully did endeavor to procure one John Ellison, without the leave or license of her Majesty for that purpose first had and obtained, to serve and be employed as a sailor in sea service and on board a ship or vessel intended to be used for warlike purposes in the service of and for, under, and in aid of a certain foreign power, that is to say, a certain foreign power commonly called the Confederate States of America, against the form of the statute in that case made and provided. Several other counts raised the charge as to the act alleged, and then the fortieth count was the same as the thirty-seventh, except in the service of and for, under, and in aid of certain persons assuming to exercise the powers of government in a foreign country, that is to say, the Confederate States of America, against the form of the statute in that case made and provided. The forty-third count, that the said Peter S. Corbett, on the 19th of October, A. D. 1864, in a certain place subject to her Majesty, to wit, on board a British ship on the high seas, unlawfully and wilfully did attempt and endeavor to procure one John Ellison, without the leave or license of her Majesty for that purpose first had and obtained, to enter and engage to enlist and serve as a sailor in sea service in and on board a ship or vessel intended to be used for warlike purposes, in the service of and for, under, and in aid of a certain foreign power, that is to say, a foreign power commonly called the Confederate States of America, against the form of the statute in that case made and provided. The forty-sixth count same as forty-third, except ending, which same as fortieth count. The forty-ninth count same as forty-third, except "to serve and be employed as a sailor," &c. The fifty-second count same as forty-ninth, except ending, which same as fortieth. And the remaining counts still further varied the charge.

The defendant pleaded "not guilty."

The solicitor general, Mr. Giffard, Q. C., and Mr. Hannen appeared for the Crown; Mr. E. James, Q. C., Mr. Milward, Q. C., Mr. Sleigh, Mr. Kemplay, and Mr. Witt for the defendant.

The SOLICITOR GENERAL, in opening the case, said: This is a prosecution for a breach of the foreign enlistment act, and without now referring in detail to its provisions it may be enough for me to describe it in the words of its title, as "An act to prevent the enlisting or engagement of her Majesty's subjects to serve in foreign service, and the fitting out or equipping in her Majesty's dominions vessels for warlike purposes without her Majesty's license." That is, the act was passed for the purpose of better enabling us to preserve our neutrality between foreign belligerents, and to prevent our being embroiled in foreign wars with which we had no concern. The learned solicitor general then proceeded to state the circumstances out of which the present charge had arisen. On the 8th of October, 1864, he said, a vessel

left London called the Sea King, but the name of which was subsequently changed to the Shenandoah a name which has since become but too well known. She was a screw steamer, clipper built, and was built at Glasgow in 1863. She was 790 tons register, and had made but one voyage previously, and that was to China. Her registered owners then were Messrs. Wallace & Co. At the time she sailed from London last October her registered owner was a Mr. Richard Wright. On the 7th of October there is an entry on the register empowering P. S. Corbett, the captain and present defendant, to sell the ship at any port out of the United Kingdom, for not less than £40,000. The voyage was nominally to Bombay, and the crew were engaged for that voyage. The captain engaged some of them himself, and when engaging them asked this significant question, "Whether they were single men?" The ship's cargo professed to be coals and provisions. On the 8th of October she sailed for Madeira, where she joined another vessel, and they sailed together to a rocky island near, called the Deserters. That other vessel was the Laurel, from Liverpool, and was laden with arms and ammunition, which were transferred to the Sea King, which vessel was next morning completely armed. Some persons came on board from the Laurel describing themselves as confederate officers, and one was Captain Waddel, who proceeded to take charge of the Sea King, and altered her name to the Shenandoah. Captain Corbett called the men aft and told them that he had sold the ship, that she would be a confederate cruiser, and that they would do well to enlist, and then told Waddel, "I got as many single men as I could." The men were then offered £7 a month and £14 bounty. A few enlisted, but most of them refused. Captain Corbett then took the rest with him on board the Laurel to Teneriffe, and then asked them to say they were wrecked men, to account for their appearance on board the Laurel. The consul, however, arrested Corbett and sent him to England. After thus stating the facts of the case, the learned solicitor general proceeded to say that the indictment contained a number of counts, stating the charge in different ways, for the purpose of meeting every form of legal objection which may be made on the part of the defendant. He is charged in some of the counts with having committed an offence in this country by inciting men to enlist in England in the confederate service; and upon these counts, if you should think that he enlisted men in this country, ostensibly for a voyage, say to Bombay, but really for the purpose of putting a pressure upon them when they might be on the high seas to enter the confederate service, then (under the correction of his lordship) the offence would have been committed in this country. This is the same point, indeed, which was so ruled by his lordship at the Liverpool assizes, in the case of "the Queen *v.* Highatt and another," (reported in 3 *Foster and Finlason's Reports;*) and, assuming that you should be satisfied that he was aware of the ultimate destination of the vessel, he would, under such circumstances, according to that ruling, be guilty of the offence which is charged in these counts of the indictment. But, further, the defendant is charged in another set of counts with having committed an offence against the act, by enlisting men upon the high seas for the confederate service; and if you should believe upon the evidence that he endeavored to induce any of the men to enlist in the confederate service, on board the Sea King, which at that time was a British vessel, although intended to be used in the confederate service, then he would be guilty of a common law offence of inciting men to commit a breach of an act of Parliament—*i. e.*, of the foreign enlistment act—on the high seas, by enlisting in a vessel which (according to the words of the act,) was intended to be used for warlike purposes in the service of a foreign belligerent. In another set of counts the defendant is charged with having committed the offence in a "place subject to her Majesty," (according to the words of the act,) on board a British vessel; and to this set of counts similar observations would apply. Having thus stated the circumstances of the case, and the law applicable to it, the learned solicitor general concluded his address in these terms: The case, gentlemen, is one of great importance. It is of importance to the prisoner, who is very ably defended, and who, of course, you will not convict unless the offence is satisfactorily established. It is of importance, on the other hand, to the public; for it deeply concerns us all that the Queen's subjects should not be permitted to engage in foreign wars without her consent, a practice which, if permitted, would be alike derogatory to the dignity and injurious to the prerogative of the crown, and, in the words of the act, "dangerous to the peace and tranquillity of the country." The facts of the case having been thus stated, the learned counsel for the Crown proceeded to call evidence.

The first witness called was the first man mentioned in the indictment, the man Ellison, who said that he was an able-bodied seaman; that in October last he went to Green's Home to sign articles for the Sea King. He saw the defendant there and signed as quartermaster. He was to have £3 a month, and went on board on October 8, 1864. The Sea King was then alongside the dummy at Blackwall. They started on the 8th, and got off Madeira in seven or eight days, and then sighted a vessel which turned out to be the Laurel. They signalled her, and then went to an island called the Deserters, to which the Laurel followed them. When within speaking distance of the Laurel the men of the Sea King were ordered to reeve purchases to the main yard-arm, to hoist in goods strong enough to carry three tons. A number of cases were then unloaded from the Laurel into the Sea King. They were very heavy, and some of them broke with the rolling of the vessel, and he saw that they contained shot, shell, small-arms, and ship's guns. The witness swore that when the vessel was off Madeira a gentleman in gray came on board, and that the defendant, standing by the side of

him, said, "I have sold the ship; any of you who wish to join, the captain will give good wages and bounty," and that the other gentleman, the "gentleman in gray," said that he had taken charge of the ship as a privateer for the confederate government, and that he would give the wages Captain Corbett had stated. The witness stated that the defendant spoke to him and Allen—both of whom were naval reserve men—to induce them to join, but they declined, and came home in the Laurel. Three or four, however, remained in the Sea King.

The witness was severely cross-examined by Mr. James, and it was elicited that he had been convicted of some trifling offence, and sentenced to a month's imprisonment. It was also elicited that he had for some time past done no work, and was staying in Ratcliffe, receiving 25*s*. a week, as he believed, from the Crown.

The solicitor general avowed that in this, as in other similar cases, the Crown had paid the wages of seamen who were asked to remain in this country as witnesses, because otherwise they could not be expected to remain.

Mr. James said he did not make any imputation on that ground.

In further cross-examination of the witness it was elicited that he had had a quarrel with the defendant at Teneriffe, and he could not give the names of the men who had remained. It was further elicited that when examined at Teneriffe he said that Allen told him that the defendant had said what he now stated he himself had heard him say, and he now professed to forget what he had told the consul.

The next witness was the man Allen, who also was a royal naval reserve man. He confirmed Ellison's evidence as to the engagement at Blackwall, and as to what took place up to the time the ship got to Madeira, where, he said, the captain "dodged about" a good deal at night. Next morning they saw the vessel called the Laurel at anchor, and they signalled her and stood off to her. The Laurel then came out, and the Sea King followed her, until they came to a little island called the Desert island—a bare rock, where they both came to anchor; the captain of the Laurel came on board, and heavy cases were slung on board from the Laurel, which, becoming accidentally opened, were found to contain guns. There were also, he said, barrels of gunpowder, and casks or cases which burst, and disclosed shot and shell. This went on all night, and the defendant was "as busy as any one else" in getting these things in. The loading was not completed until next morning, when the "hands" were "piped aft," and Captain Corbett, the defendant, was heard to say, "Well, men, I've sold the ship. This is the gentleman who has got the command of her, (pointing to the 'gentleman in gray,') and if you like to join her you'll be very well paid for it." The "gentleman in gray" said he would give £10 bounty, and £7 to £10 a month wages. The men, however, refused. Another effort was afterwards made by the gentleman in gray to induce the witness to enlist, but the witness said he refused to join. The gentleman in gray said he would give better wages than could be got in the English fleet, and would give him as much as £14 a month to go as gunner's mate; but the witness refused. Shortly afterward, he said, Captain Corbett came up to him and took him into the cabin, and said it was a very good offer, and they had better take it. At the time of this conversation the other men were standing round the cabin door, which was open, and Ellison, among others, was there. Finally, however, the witness and most of the other men refused the offer and left with the defendant in the Laurel. Until they left Madeira the English flag was flying, but then it was struck, and when they left there was another flag, white, with a blue cross and "a lot of stars." Nothing which appeared to be material was elicited from this witness in cross-examination, and his evidence did not seem to be shaken in any way.

Nurcus, another of the men named in the indictment, was next called, and confirmed the above evidence. He said that after the defendant saw the Laurel he gave orders to have the "purchases" made ready to raise weights, and then the hoisting of arms on board took place as described by the other witnesses. The witness further stated that the defendant had said, in the presence of the men, that he had "sold the ship to the confederate government," and he then (the witness said) introduced the American officer, (that is "the gentleman in gray" alluded to by the other witnesses,) who would say what wages would be given. The American officer said the name was to be the Shenandoah. After they left, the vessel hoisted a white flag, with blue cross, and several stars upon it. Being shown a representation of a flag, he said that was the flag, and he believed it to be the confederate flag. The "gentleman in gray"—the American gentleman—went away with the Sea King.

It was elicited from this witness that Captain Corbett had to put some of them into the charge of the police for disorderly conduct at Teneriffe. The "gentleman in gray" was near the defendant when he spoke and said the ship was not going to fight, but to cruise against merchantmen, like the Alabama, and that the men would "make a good thing of it if they would go." It was the American gentleman who kept making offers of money and increasing the offers until he offered £16 bounty and £7 10*s*. a month wages. The witness said that just before he left the Sea King he saw inside the cabin a "bucket full of gold." This was at the time the "American officer" was tempting the men to go into his service. He was quite confident that the defendant said out loud that he "had sold the ship to the confederate government."

In cross-examination it was elicited from the witness that he had been taken to the American consul's at Liverpool, and a great many questions were asked as to what then took

place, and it appeared that he had been asked what he saw and heard on board the Sea King, and that he told what he knew, and made a deposition before Mr. Raffles, the magistrate.

A man named Sell gave similar evidence, stating that the defendant told the "gentleman in gray," at Deserter's island, that he had obtained as many single men as he could; and that the defendant then advised the men to join the American privateer, saying that it would be a good thing for them, and that the vessel was not going to fight, but to take prizes, as the Alabama had done.

This witness, in cross-examination, said he had seen the bucket of gold on board, and that the American captain, or "the gentleman in gray," advised the men to join, saying that the vessel was not going to fight, but to cruise and take prizes, as the Alabama had done. The defendant, the witness said, repeated what the American captain said, and said, "You hear what the captain says."

A man named Webster, a fireman, gave similar evidence, stating that the defendant said, "I sway (*i. e.*, persuade) you men to go in the ship; it is a good thing for you;" and he pointed out the "gentleman in gray" as the captain. When the defendant got to Teneriffe with the Laurel, the witness said, he told the men to say they were shipwrecked seamen being taken home.

In cross-examination this witness, as well as the last, said that what the defendant said was that he had sold the vessel, and that those who did not like to join must go back with him in the Laurel.

The LORD CHIEF JUSTICE. Did he say that all at once or at different times?

WITNESS. No; he didn't say it all at once, but he said it at different times.

In further cross-examination, however, it was elicited that the witness had said before the magistrates that the defendant had said it all at the same time, though not in the same breath; and the witness, being further pressed, said that the defendant said it all while the men were in a group and before he left the group of men, as they were standing together; the case, as suggested for the prosecution, being that the defendant first tried to get the men to enlist, and then afterwards, finding that they would not, said that if they would not they must go back with him in the Laurel.

This witness, as well as the last, stated that the "gentleman in gray" said that "he should not fight unless driven into a corner," as he was going to cruise for prizes.

This witness, like the others, was pressed a good deal about offering evidence to the police and applying for subsistence money, but it all appeared to come to no more than this—which the solicitor-general had already avowed—that the Crown had allowed the seamen subsistence money to retain them in this country for the purpose of securing their evidence at the trial.

The next witness was Benjamin Sell, the boatswain, who had piped "all hands aft" on board the Sea King, to hear what the defendant had to say. When he had got the "hands" together the defendant came and stood by the "gentleman in gray," to whom this witness for the first time gave the name of Captain Waddell, and then the defendant said, "Well, men, I've sold the ship, and those who like to join her may, and those who don't may go back with me in the Laurel." "I," said the witness, "made answer, 'That won't do for me; the flag is the wrong flag; the old flag for me,' and with that," said he, "I went to get my box, as I wanted to be off, for they were a very vicious lot, the men who came on board, and I didn't like the looks of them." (Laughter.)

This man was pressed a good deal in cross-examination as to something suggested to have passed between him and one Hensman as to something that was to be got, as it was suggested, for giving testimony; but as there appeared great obscurity as to what it was, and the witness wanted to explain what it was, the jury said they desired to hear him tell his own story about it, and the witness then said that he and the other men wanted to know what it was they were to have for having been taken to Madeira on an abortive voyage, and the answer not being, as he thought, satisfactory, he got angry and said it was all a "——— catch," and a "lot of lies." He was pressed a good deal with a view to show that this meant that the statement the witnesses had made was "a lot of lies," but he said that this alluded to a supposed promise of two years' pay. He was pressed very strongly about this, but with every appearance of truthfulness adhered to his story. Being asked in re-examination, on the part of the Crown, what had passed between him and Hensman, and what Hensman wanted with him, he said that Hensman seemed a "sort of loafer," and wanted to know what he had to say, and used soft language to him, and told him that he (Hensman) had been on Captain Corbett's side, &c.

It was then proved that the flag which had been spoken of was the confederate flag.

This closed the case for the Crown.

Mr. JAMES, on the part of the defendant, demanded to know upon what counts the Crown intended to rely, as the indictment was so long and the counts so numerous.

The SOLICITOR GENERAL said he had distinctly stated in his opening. Some of the courts charged that the defendant in this country incited certain persons (Ellison, Allen, &c.) to enlist in the confederate service, and he relied upon these. There was another set of counts, charging the offence to have been committed on the high seas, and he mainly relied upon these. There was another set of counts, charging the offence to have been committed in a certain place abroad, *i. e.*, a British vessel.

The LORD CHIEF JUSTICE. As to that set of counts there is this difficulty, that the vessel appears not to have been a British vessel, but a confederate vessel.

The SOLICITOR GENERAL said he thought the character of the vessel had not been changed at the time these attempts were made, for the confederate flag had not been hoisted.

The LORD CHIEF JUSTICE. But it can hardly be doubted what her real character was. However, probably it would be equally an offence whether on board a British vessel or not. Perhaps, continued the Lord Chief Justice, the counsel on both sides may be relieved from discussing the questions of law, for I shall pursue in this case the same course as was pursued in the case referred to—"The Queen *v.* Highatt and Jones"—that is, I shall ask the jury whether, in point of fact, the defendant did attempt to enlist or procure the men to enlist, and, if so, then all questions of law will be reserved, whether as to the place where the acts were committed, or otherwise.

The SOLICITOR GENERAL said it would be a common law offence to incite the parties to enlist, and thus to contravene a statute.

Mr. JAMES said that was true if the men were British subjects and the men actually enlisted; but these men had not enlisted; they had refused.

The SOLICITOR GENERAL said he quite dissented from this view of the law, and contended that if the act of incitement or the attempt to enlist was committed, then it was an offence.

Mr. JAMES. A statutable offence, but not a common law offence. The first thirty-six counts are at common law.

The SOLICITOR GENERAL again dissented from his learned friend's view of the law.

The LORD CHIEF JUSTICE said he did not think it necessary to discuss the law further, because he should reserve the questions of law. The question now was as to the facts.

Mr. JAMES desired to postpone till to-day his address to the jury.

The case was then adjourned.

[From the Times, December 1, 1865.]

COURT OF QUEEN'S BENCH—WESTMINSTER, NOVEMBER 30.

Sittings at Nisi Prius before the Lord Chief Justice and a special jury.

THE QUEEN *vs.* CORBETT.

The trial of this case was continued. It is an indictment against Captain Corbett for an alleged infringement of the foreign enlistment act, in enlisting, or attempting to enlist, seamen for the Sea King, afterwards the Shenandoah. The indictment contained fifty-eight counts, some charging the act or the attempt as made in this country, and others charging it as committed on the high seas.

The Solicitor General, Mr. Giffard, Q. C., and Mr. Hannen were for the Crown; Mr. E. James, Q. C., Mr. Milward, Q. C., Mr. Sleigh, Mr. Kemplay, and Mr. Witt were for the defendant.

The case for the Crown, which was closed yesterday and reported in our columns to-day, came in substance to this: That the defendant engaged men at Blackwall for the vessel, in which he sailed to Madeira, where another vessel, the Laurel, was signalled, and then the two together went to the Desertas island and anchored, and a large quantity of guns, &c., were then loaded on board the Sea King, which soon afterwards hoisted the confederate flag, and was called the Shenandoah, and beyond all doubt was then in the confederate service. And further, that a "gentleman in gray," an "American gentleman," (who turned out to be Captain Waddell,) came on board the Sea King, and he and the defendant together tried to induce the crew to enlist in the new service, (which was distinctly avowed,) a large bounty being offered to them to induce them to do so. It was attempted to elicit from the witnesses for the Crown what Captain Corbett, the defendant, said, which was, "I've sold the ship to the confederates, and those who like may join, and those who don't may go back with me in the Laurel," and that all the inducements and persuasions came from the "American gentleman," who, it was admittee, did use great endeavors to induce the men to enlist. Three of the men did join, and the rest came home. It further appeared that there was some "young gentleman" on board who took a prominent part in the direction of the vessel on her voyage out from London to Madeira.

At the sitting of the court this morning—

Mr. JAMES addressed the jury on the part of the defendant. He quite concurred with the solicitor general, he said, as to the importance of the case. It was most important, beyond all doubt, that the laws of the land should be vindicated by the executive government, as regarded the violation by citizens or subjects of this country among themselves, and more especially in regard to laws enacted for the purpose of securing the peace and welfare of the country with respect to foreign nations. It was also of great importance to Captain Corbett that he should not be convicted unless the facts proved clearly brought the case within the

law. They had all heard a good deal within the last three or four years of the foreign enlistment act, the object of which was to enable the government faithfully to fulfil all the duties of a neutral state towards other countries, with whom we were at peace, but who were, unhappily, at war. That act, however, had reference to different things—to equipment and to enlistment—and it was of importance not to confound them. It was one thing to be concerned in the equipment of a ship to prey upon the merchant service of one of the belligerents, and quite another thing to be engaged in endeavoring to procure men for either of the belligerents. There were some matters which might raise a prejudice against the defendant, but which were not at all relevant to the real question at issue. It did not follow that because at one period or point of time the defendant was aware of the destination of the vessel, that, therefore, he was so from the beginning, or that even if he were so he had tried to induce any of the men to enlist. That the vessel did in the result enter into the confederate service was too clear to admit of doubt. Who were the persons by whom the ship was destined for the service was not known. At all events the defendant was not charged with it. If he had been supposed to know of it he could have been indicted for it. And it was fair to assume that he did not know of it, and had no part in it. Whoever it was who had destined and provided the vessel for the service would probably keep it a secret from every one else. It was probable that the young gentleman on board might have been in the secret, and not the defendant. It was proved that he said after reaching Madeira, "I've sold the vessel to the confederates," and more than one witness for the Crown stated that what he added was only this, "Those who like to join may do so; those who don't may return." The question for the jury would be—are you satisfied that he made use of any persuasions or inducements to procure these men to enlist in the service? That would in a great degree depend upon whether he knew from the first the real destination of the vessel. But what was there to show that he did? And what was there then to show that when he engaged the men in London he meant that they should enter into the confederate service? Why, there was nothing to show that at that time he knew the destination of the vessel. Very likely he was ready to sell it to some one, and did not know for what purpose. And it would be unfair to infer, from his subsequent knowledge of it, a previous knowledge of it on his part. And even if he had such knowledge and intention on his part, was it not necessary that there should be the same knowledge and intention on the part of the seaman engaged? The indictment had been framed, no doubt, with great ingenuity to avoid this and other legal objections on the part of the defendant. No one could say that the government of this country had not done their best to preserve its neutrality in the late war. They had instituted several prosecutions; whether they had failed or succeeded depended upon the juries who tried the cases, not on the government. They, at all events, had done their duty in the matter. They had done their best in this and in other cases to convict. In this, as in other cases, they had the assistance of able and skilful law officers, who had framed an indictment containing a variety of counts, shaping the offence in every possible way so as to meet or avoid all legal objections, as far as possible, on the part of the defendant. The main question, however, would be, did the defendant anywhere do anything in violation of the act? There were subordinate points of law or fact arising out of that main question, but the points of law are to be reserved.

The LORD CHIEF JUSTICE. There is the question of fact, whether or not the ship, at the time of the alleged attempt, was a British vessel, or whether she had not already become really a confederate vessel.

Mr. JAMES. No doubt. The main question, however, will be as to the defendant's acts, and whether he did really, in any place, attempt to induce the men to enlist, or whether the real attempts were not made by the American officers.

The LORD CHIEF JUSTICE. It is of course impossible to exclude the question whether the attempts were not made by the American officers, who certainly were very active and energetic in their endeavors.

Mr. JAMES. Just so. That will be one of the grounds of defence. The evidence for the prosecution has shown that the American officers were very energetic in their endeavors to induce the men to enlist. And taking the version of the defendant's words, which more than one of the crown witnesses gave, was it not more probable that all he said was to state the option which the men had, and that all the attempts to induce the men to enlist were really made by the American officers? At all events, this was the main question of fact. Did the defendant endeavor to induce the men to enlist in the confederate service, or did he engage men with a view to their being thus enlisted? He contended that even in the case for the Crown this was far from being established, but that, on the contrary, there was much in it to raise a probability that the case was otherwise, and he should now supplement this evidence by calling witnesses on the part of the defendant, who, he believed, would show beyond a doubt the defendant had not known of the ultimate destination of the vessel when he engaged the men for the vessel in this country, and that he had not used any attempts or endeavors abroad to induce the men to enlist in the confederate service.

Evidence was then gone into for the defence.

The first witness called was Hensman, who had been alluded to repeatedly in the cross-examination of the witnesses for the Crown as having engaged them in conversation with regard to the evidence they might give. Having given the particulars of some previous voy-

ages in the vessel, which appeared to have been purely mercantile, he proceeded to state his engagement for the voyage now in question, which he said was to Bombay, as first mate, and his sailing to Madeira, where the Laurel was signalled. Being asked when he first heard of the sale of the vessel, he said that about an hour after he left Madeira in company of the Laurel he heard from the purser that he expected it to be sold. The captain of the Laurel (Captain Ramsay) told the defendant where to anchor at the Desertas island. When the two vessels were alongside, Captain Waddell came on board in plain clothes. After this Captain Corbett came and said he had sold the ship.

The SOLICITOR GENERAL submitted whether this sort of evidence would be admissible; that is, evidence on behalf of the defendant of things said by himself. In that way it was manifest that any amount of evidence might be made on his behalf.

The LORD CHIEF JUSTICE said he doubted whether strictly the evidence would be admissible; but he thought it would be only right to hear all that the defendant was stated to have said.

The SOLICITOR GENERAL said that this being his lordship's opinion, as he did not desire to put the case upon strict technical grounds, he should not press his objection.

The examination of the witness was then resumed, and he stated that the defendant told him that some time before he had orders from the owners to sell the vessel, and that he had now found a market for her, and that the crew should be told that they might go home in the Laurel, and their luggage had better be removed into that vessel. This was before the preparations were made for loading, and it was after this that some men came from the Laurel to make those preparations. The witness then produced and identified the log-book, in which was the entry signed by himself, by the defendant, by James Smith, second mate, and by J. Elliott, first engineer:

"October 18. The screw steamer Sea King has this day been sold and handed over to James Waddell, her present master.

The witness further stated that just after the conversation with the defendant he told the crew what he had heard, and desired them to assist in getting the luggage in, in order to get home sooner. The men worked (he said) until near one in the morning.

The LORD CHIEF JUSTICE. With what object?

The witness said it was to get the deck clear as soon as they could; he had no express orders as to the hours of work, and gave none: but the general orders from the captain were to get it over as soon as possible. In the morning the defendant told him to see that the men packed up quickly and got on board the Laurel. He accordingly told the men so, but they seemed reluctant to leave the ship until they had some explanation from the captain, *i. e.*, the defendant, and witness reported this to the defendant, who then ordered them to be called together.

The SOLICITOR GENERAL observed that the Crown witnesses had not been asked anything as to all this.

The LORD CHIEF JUSTICE said he should allow them to be recalled to be asked about it, but this was a most inconvenient course.

The witness's examination was continued. He said when the men were together the defendant said, "I told the mate to tell you all to go on board the Laurel;" then he said something about their wanting an explanation, and then went on to say, "I've sold the ship, and there's a steamer alongside in which I'll take you all home." Some of the men asked for three months' pay. The defendant said he had no money to pay them with there, but he would take them home, and pay them all off at home. This was all the defendant said then, but then Captain Waddell came up and said, "Now, men, give me your attention. I've bought this ship, and I hold in my hand a commission as lieutenant in the confederate service. I am going to put the vessel in commission for a cruise for fifteen months as a vessel of the Confederate States navy, and I'm in want of men. If any of you prefer to remain with me, instead of going home with Captain Corbett, I'll give you double the wages you had from him." There was then a confusion among the men, who said they had had quite enough of her; and they reproached Captain Corbett with having brought them out there on false pretences. The defendant (Captain Corbett) endeavored to pacify them, saying there was a steamer waiting alongside of them, in which he would take them home and pay them off when he got home again. Then he said, (turning to go away,) "If you won't go when you're told you must follow me." He stood a little longer by the gangway with some of the men round him, and then Captain Waddell said he was not going to lose his ship as the Alabama was lost, but only to cruise against the commerce of the United States. "I don't intend to fight," he said, "unless we get into a corner, and then we shall have to fight our way out;" and he added that he would give the men 10*l.* bounty and 5*l.* a month wages. The defendant might or might not have heard this. Some of the men then went to get their baggage, and Captain Ramsey, of the Laurel, said he should not wait for them much longer. The purser stopped in the Sea King, and one of the American officers said some of the men would remain. For these releases or discharges were required from their service under the defendant, and a written discharge was signed by the defendant and the witness as mate. The witness went on to state that in his hearing the defendant did not say anything to induce the men to remain; and he denied that the defendant had used the words sworn to by the Crown witnesses—that he had sold the ship to the confederate government, and that the

men had better join her, &c.; or that if they liked to join her they would make a fine thing of it, or get good wages, &c., or anything of that kind. The witness said he heard nothing of the sort said by the defendant, though he stood by him all the while and heard all he said to the men. He denied the whole story as to the bucket of sovereigns spoken to by the Crown witnesses; that is, he declared he saw nothing of it, although he was in and out of the cabin, and was close to and among the men the whole time. He told the defendant that an attempt had been made to induce him to stay, and the defendant said, "Don't you think of it; come home with me." After this the Laurel signalled to go, and the Shenandoah signalled, "Wait for despatches," and despatches were sent in a boat, the officer of which told the defendant that two of the men had joined the Shenandoah.

It was here proposed to prove a statement to the defendant as to some others of the crew desiring to go to the Shenandoah, with a view to show that he refused to let them go; but this was objected to on the part of the Crown, and

The LORD CHIEF JUSTICE said it did not follow that because at a later stage the defendant refused to let men go, therefore, previously he had not tried to induce them to go, as the Crown witnesses had alleged.

It was insisted on the part of the defendant's counsel that, at all events, they were entitled to ask as to acts done, or proposed to be done, by the defendant; and, as

The SOLICITOR GENERAL, on the part of the Crown, said he would not press any objection too strictly, but there must be some limit.

The examination of the witness was proceeded with on that point, and he stated that an officer told the defendant one of the men had asked for a boat to go to the Shenandoah, and that the defendant said he "would have nothing to do with it," and so the boat was not sent. The captain of the Laurel afterwards said, in order to get out of quarantine, that he had a shipwrecked crew, and so got a clean bill of health.

The LORD CHIEF JUSTICE. That would not give the ship a clean bill of health.

The witness said the sanitary officer asked the defendant where he was from, and defendant said from London, and that he had a bill of health from London. Witness did not hear what was said, but the ship was admitted to pratique. After this some of the men got ashore and got into a row, and were given in charge of the police and put into prison. The men ultimately got their wages for three months beyond what was due. The witness was then asked as to certain statements to him which the witnesses for the Crown had denied—that the American consul would get them two months' pay, &c.

The LORD CHIEF JUSTICE intimated that these matters were very remote from the issue, and accordingly they were not pursued further. The witness, however, was asked as to a statement to him which the witness Benjamin Sells had made, that he had been taken to a police office and got to put his name to a statement about the Shenandoah which was all a lot of lies. The witness declared that Sells had so said, and this closed his direct examination.

In cross-examination by the solicitor general, the witness said that one White, a merchant of Liverpool, was owner of the vessel. When half a mile from Madeira he "ran a signal up" by the orders of the captain or purser, he did not know which. Asked if it was the purser's duty to give orders; he said, "No." Being asked who gave the order, he said he heard none. He knew no order, but he helped to hoist the signal.

The LORD CHIEF JUSTICE. What put it into your head to put up the signal?

The witness hesitated.

The LORD CHIEF JUSTICE repeated the question more peremptorily.

The witness still paused.

The LORD CHIEF JUSTICE. What put it into your head to run up that signal? You may as well give me an answer, for I will have one.

The witness still hesitated, and at last said, "I did not know what it was for."

The LORD CHIEF JUSTICE. That is not the question. How came you to hoist that signal?

WITNESS. I did not do it.

The LORD CHIEF JUSTICE. You have said you did.

The jury said he certainly had so said.

WITNESS. I assisted to run it up.

The LORD CHIEF JUSTICE. Well, how came you to do so?

The witness paused, and was silent some seconds.

The LORD CHIEF JUSTICE. Now, did you not know that the ship was going to be given up to the people who had the Laurel?

WITNESS. No, I did not.

The LORD CHIEF JUSTICE. Upon your oath?

WITNESS. Upon my oath I did not.

The LORD CHIEF JUSTICE. Then how came you to help to hoist that signal?

Witness paused.

The LORD CHIEF JUSTICE. Now, do you mean to tell us on your oath that when you left England you thought you were going to Bombay?

WITNESS. I do.

The SOLICITOR GENERAL. Did you not tell Benjamin Sell, (the Crown witness before

referred to,) that you knew as well as Captain Corbett, when you left England, where the destination of the vessel was?

WITNESS. Since I came home—yes; because I firmly believe that the captain knew nothing about it more than I did.

The SOLICTOR GENERAL. You believed you were going to India?

WITNESS. Yes.

The SOLICITOR GENERAL. But you see my question was not whether you said you were as ignorant as Captain Corbett of the destination of the ship, but quite the contrary—whether you did not say you knew it from the first as well as he did. Did you not say that?

The witness paused.

The defendant's counsel said, "Did you use those words?"

WITNESS. No, I did not.

The SOLICITOR GENERAL then pursued his cross-examination as to whether the witness had not offered to give evidence for the Treasury. He denied it, but at last admitted that he had been to the police station and asked for the inspector, Clark. He was asked as to what then took place, and he said he had asked after Hurcus, one of the Crown witnesses examined yesterday. He was pressed as to whether he had not then said the owners had disappointed him, &c. He hesitated, and said he might have said it, but did not remember. He was asked as to whether he had not then said something about going to the Treasury to give evidence, and he admitted that he had, but on a former occasion; on the present occasion his object was to find Hurcus.

The SOLICITOR GENERAL. To speak to him about his evidence in this case?

WITNESS, after a long pause. Yes.

The SOLICITOR GENERAL. Now, let me take you back to the former question, which you have not answered. Did you have any order to hoist that signal?

Witness said he did not know.

The SOLICITOR GENERAL. Whom did you assist in doing it?

The witness said, the captain.

The SOLICITOR GENERAL. No one else?

WITNESS. No.

The LORD CHIEF JUSTICE. You said the purser.

Witness said, "Yes," and being asked further, said he believed this person was an American, and that he and this person and the captain had been together.

The LORD CHIEF JUSTICE. How came you to know that the Laurel was lying off Madeira?

WITNESS. I did not know it. But seeing the signal, I looked at the book, and saw it was the signal of the Laurel.

The SOLICITOR GENERAL. Did you ask any explanation of the captain—the defendant?

WITNESS. Not then.

The LORD CHIEF JUSTICE. When?

The WITNESS. I did not ask; he told me at the Desertas island that he had sold the ship.

The LORD CHIEF JUSTICE. How came you to find the number of the Laurel?

The WITNESS. Every ship has its number.

The SOLICITOR GENERAL. You said that Captain Corbett said he had orders to sell and had found a market for her. Where did you suppose he had found a market? Did you not think it strange that he should find a market for her on the high seas?

WITNESS. I thought it rather strange.

SOLICITOR GENERAL. Did you tell the captain so?

WITNESS. No, I did not; but I thought it strange to find a market on the high seas.

The LORD CHIEF JUSTICE. "Market overt." (Laughter.)

The SOLICITOR GENERAL. You thought it strange? Had you no idea whether the market was peaceful or warlike?

WITNESS. I had my suspicions.

The SOLICITOR GENERAL. Why? What made you suspicious?

WITNESS, hesitating. Well, I don't know. I was a little suspicious.

The SOLICITOR GENERAL. Had you no idea what the "luggage" was which you were loading all night?

WITNESS. No; not at first.

The SOLICITOR GENERAL. You mean to say that it was not until the shot and shell tumbled out that you had any idea that the "luggage" was warlike? (A laugh.)

WITNESS. No.

The SOLICITOR GENERAL. Well, you say you told the men the captain said the ship was sold. Which of them did you tell that to?

The LORD CHIEF JUSTICE. He says he told them all.

WITNESS. "Yes, I told them all." He went on to repeat that he had told the men to go on board the Laurel. He was pressed as to whether after this, when Captain Waddell said he would give the men double pay to stay with him, the defendant was not close by, and he said he could not say he was not.

In re-examination it came out that the defendant had taken the signal-book, and "migh

have said something about the numbers;" but he declared that he did not know until he saw the flag what the number was. He knew it meant a ship's name, but he did not know until he looked to the book what the name was, and he found it was the Laurel. He assisted in running up the signal.

Being asked to repeat what had passed between himself and Benjamin Sells as to the defendant knowing all about it, he said that Sells said that he was sure Captain Corbett knew all about it when he left England; and he answered that he knew as much about it as Captain Corbett, and that he firmly believed that the captain knew nothing about it, and was a perfect dupe in the matter.

Mr. Vanzeller, Portuguese consul, was called to prove that the Madeiras and the Desertas islands were part of the domains of Portugal; as to which, however,

The LORD CHIEF JUSTICE said this was admitted, and it was hardly necessary to offer formal proof of it.

The next witness was Elliott, who had been engineer on board the Sea King. On reaching Madeira, he said, they saw the Laurel, and signals were exchanged, after which the Sea King followed the Laurel to the Desertas islands. On the 18th of October, he said, the captain (the defendant) on reaching the Desertas islands, said that the engines might stop and the vessel anchor. Witness said, "This is not Bombay" (a laugh); to which the defendant answered, "That he had sold the ship to Captain Waddell, (who was standing by,) and got the price." Witness observed that it was very strange that the men should be left there; to which the defendant replied that he was as ignorant of this when he left England as he was, and that the Laurel was alongside, and that they must prepare to go home in that vessel. Witness told this to the firemen, and next morning there was a disturbance among the men, and they were called aft, and the defendant and Captain Waddell were present, and the defendant said, "I've sold the ship, and I've a steamer alongside to take you all home." That, the witness said, was all the defendant said, though Captain Waddell spoke for about a quarter of an hour to induce the men to enlist. He denied that he heard the defendant use the words ascribed to him by the Crown witnesses, or that he saw any "bucket full of sovereigns" which had been spoken of by them; and he declared he must have seen and heard such things if they had taken place.

In cross-examination the witness admitted that he had talked a good deal to the American gentleman, the purser, and they and the defendant were together a good deal.

The SOLICITOR GENERAL. Now, tell me, did you know where the vessel was going?

WITNESS. Not more than the "man in the moon." (Laughter.)

The SOLICITOR GENERAL. The "man in the moon" is said to know a great deal sometimes. (Laughter.) But did not the captain and the purser know?

WITNESS. Not the captain. The purser might.

The SOLICITOR GENERAL. O, you've suspicions of the purser, eh? (A laugh.)

WITNESS. No, I've no suspicions. (Laughter.)

The SOLICITOR GENERAL. Well, you said "this is not like Bombay." Why?

The LORD CHIEF JUSTICE. It was rather out of the track. (Laughter.)

The SOLICITOR GENERAL. What did the captain refer to when he said that he was ignorant of it when he left? Ignorant of what?

WITNESS said he did not know.

The SOLICITOR GENERAL. You thought it strange selling a vessel at the Desertas islands. Did you know it was to be a confederate cruiser?

WITNESS. No.

The SOLICITOR GENERAL. Did you not suspect it? Upon your oath.

WITNESS. Not then.

The SOLICITOR GENERAL. When did you first suspect it?

WITNESS. When I saw a shot roll on deck out of one of the cases shipped.

The SOLICITOR GENERAL. Not till then? Now, tell me, (you are not bound to answer,) did you not say to one of the men that it would be a good thing for them if they were to remain?

WITNESS. No, I did not.

The SOLICITOR GENERAL. Did you not ask whether they would go or stay?

The LORD CHIEF JUSTICE. What made you say that?

WITNESS. Because they were told that if they wanted to go home the vessel was alongside.

The LORD CHIEF JUSTICE. How did you know they would be allowed to stay?

WITNESS. That I did not know.

The SOLICITOR GENERAL. Had not you inquired?

WITNESS. No.

The witness went on to say that the defendant introduced him to Captain Waddell, but he did not know then that he was a confederate officer until next morning, when he saw him in uniform. He denied that he had asked the defendant who he was when he had been introduced to him; or what the vessel was to be sold for, or to whom, or what its destination was to be. He kept his curiosity to himself, he said. In re-examination he said he had signed the entry in the log as to the sale of the vessel on the evening of the 18th of October.

A man named Sutton, who had been steward on board the Sea King, (Shenandoah,) was next called in confirmation. He said the defendant said, "I have sold the ship; I had a bill

of sale to sell her in any port I pleased; so I've broken my contract with you, but I've a steamer alongside to take you home." Then he introduced Captain Corbett as the person he had sold the ship to, and who came forward to address the men, but they grumbled out something about what pay they were to have. The defendant went to speak to them as to the money they were to get for their disappointment. Then Captain Waddel began to speak, and pulling out a paper said it was a commission from the confederate government, and that he wanted men and would give £15 bounty and £7 a month as wages He added that he was not going to fight, if he could possibly avoid it, but only to cruise upon American commerce. Witness said he did not hear the defendant say anything to induce or incite the men to enlist in the Sea King or Shenandoah. Witness said that Captain Waddell pressed him very much to stay, and he told the defendant so, and asked his advice as to what he should do, and whether he should go or stay; and the defendant said, "Well, please yourself; I won't influence you one way or the other." And afterwards, when one or two of the men wanted to go from the Laurel to the Shenandoah, the defendant refused to let them have the boat to go. Finally, the witness declared that though he was constantly in the cabin he saw no "bucket of gold," and he never saw there the man Allen, one of the Crown witnesses, who had said he was there and saw the "bucket of gold." He must have "tumbled on it," he said, "if there was any such thing there."

On cross-examination, he admitted that he saw a bag of gold on the table. He was under the purser, he said, but denied that the purser gave him orders, though he asked him questions.

The SOLICITOR GENERAL. Pray, when did you first know the ship was to be a confederate vessel?

WITNESS said he did not know. Even when told it was sold, he did not know it. He did not know it until he saw the cases of shot and shell coming from the Laurel. He knew there was such a cargo, for "every one was talking of it." He had thought, he said, when he shipped that he was going to Bombay. The two captains were close together when the conversation with the men was going on. It was elicited that this witness, Hensman, Elliott, and the defendant had come home together, and had talked about this matter a little, although (the witness said) he did not think much about it, as he knew it was all over. (A laugh.) He admitted that the witness Hensman had been at his house sometimes, and was there on Sunday, and he admitted saying that he "hoped the case would go on all right." He said he had known him for years, and gone several voyages with him.

The next witness was one Allcott, who said he was a native of Charleston, United States, and had seen the Alabama. He embarked on board the Laurel in October at Liverpool, and sailed to Madeira, his passage being taken to Nassau. (A laugh.) At Madeira he saw the Shenandoah, and most of the men and officers went on board of her. Next morning the men were mustered, and he stood near the defendant, and heard what he said. The defendant had a paper in his hand, and addressed the men as follows:

"Men: When we left London we left on a voyage to Bombay; but, on leaving England, I held a power of attorney to sell my ship when and where I could get my price. I have sold the ship to this gentleman (pointing to Captain Waddell.) The voyage is broken, and if you men sign clear of me I'll give you two months' pay, in addition to what you have had in London. If not, there is a passage provided for you in the steamer alongside."

One of the men was almost mutinous, and said he wanted his three months down; that he had joined the ship, and that he would fight like damnation. (Laughter.) This man was Ellison, the first witness for the Crown yesterday. Then Captain Waddell came forward and said:

"Men, I've a word or two to say to you. You are doubtless aware that there is war between the northern and southern States. (A laugh.) I hold a commission from the president of the southern States as lieutenant. I have bought this ship, and am going to put her into commission for fifteen months. I want men, and will give you £15 bounty and two months' pay. I am going to cruise against the American commerce—to sink, burn, and destroy. I am not going to fight; but if we are driven into a corner you may depend upon it we'll fight our way out." (A laugh.)

The men refused to go in the ship, however. Witness said he did not hear the defendant say anything to induce the men to stay. He himself staid, as he was then a southerner.

Cross-examined by the SOLICITOR GENERAL: You shipped for Nassau, you say. How came you to find yourself at Madeira?

WITNESS. That was secrecy on the part of our commander.

Q. When did you first know there was to be a vessel to meet you? A. When we signalled her next morning.

Q. Did you know the cargo on board? A. No; it was no concern of ours.

Q. Do you mean to say you did not know what was your destination? A. I knew that we were to run the blockade; that is, in the Laurel.

Q. When did you know so many of your men were to go on board the Shenandoah? A. Not until 10 minutes before we went.

Q. You knew Captain Waddel was on board? A. Yes; I knew he was a confederate officer.

The witness stated that the purser spoken of, who gave the name of Forester, but whose real name was Whitter, became first lieutenant on the Shenandoah. He admited that he

had been on board the Alabama, and that he was "picked up" at Liverpool. In re-examination, he declared that he had no idea until the signalling what was to take place. It was elicited also that the witness received a paper signed by one Captain Bullock, of the confederate navy, dated on the 4th of October, at Liverpool, which was in these terms: "Report to Lieutenant James Waddell, for duty on board the Confederate States vessel the Shenandoah." This written order, he said, he received ten minutes before he went on board the Shenandoah at Madeira.

The next witness was one Crauford, who had been gunner's mate on board the Laurel, and was picked up at Liverpool. He thought she was bound for Nassau, he said, and had no idea of meeting any other ship until they reached the Desertas. He declared that he had gone on board the Shenandoah and had not heard the defendant say anything to induce the men to enlist, though he heard the American captain speak to the men. He himself staid in the Shenandoah.

This witness was not cross-examined.

The next witness was a man named Griffiths, who said he was a native of the southern States, and he was on board the Laurel, and went into the Shenandoah and heard the defendant address the men and say that he had sold the ship to Captain Waddell (who stood by) and got his price. Captain Waddell said, "This vessel belongs to the Confederate States. We are at war with the northerners, and those who like to join can do so," and then he spoke about bounty, &c. But the defendant said nothing to induce the men to enlist. Being asked to state more particularly what defendant said, he stated that he began by saying, "Men, I signed articles with you for Bombay, but I've sold the ship," &c. He did not say anything as to wages or bounty on board the Shenandoah, nor about going in pursuit of American commerce.

The next witness, a man named Marshall, said he was a native of the southern States, and shipped in the Laurel at Liverpool. He thought she was going to Nassau, and had no idea that she was to meet another vessel at Madeira. He had been on board the Shenandoah when the defendant spoke to the men, and said that he had signed articles for Bombay, but that as the voyage was broken he had no further control over the men, and that he had sold the ship to Captain Waddell. Some of the men asked what they were to do, and the defendant said, "Well, there is a steamer alongside, if you want to go home; if not, sign clear of me, and you shall have two months' wages." One of the men said he would not take two months, and would have three months down. (This man was so described that it seemed he was Ellison.) The defendant said when he got home if the law required six months he would pay it. Then Captain Waddell came forward to address the men. The defendant said nothing to induce the men to stay. The witness said he had gone in the Shenandoah himself.

The SOLICITOR GENERAL. Well, you've had rather an exciting time of it since then, eh? You've done a good deal of business, haven't you? You can hardly recollect exactly what was said a year ago?

Witness said he did not know, perhaps not "to a word." There was a great deal of confusion at the time.

The SOLICITOR GENERAL. When was your attention first drawn to the matter? You have had a good many things to attend to, you know, since these things occurred. When was your recollection first refreshed about it?

Witness said at Melbourne, in February, when he saw Captain Corbett's case in the papers—the examination before the magistrates. He said he had "talked it over" since then with Captain Corbett and Mr. Allcott.

The next witness was a man named Hall, who shipped on board the Laurel, and had gone on board the Shenandoah and heard the captain (the defendant) say he had shipped the men for Bombay, but had a bill of sale to sell the ship when he could, and then Captain Waddell said he was going to cruise against northern commerce, but Captain Corbett said nothing to induce the men to join.

Mr. Brown, a master-stevedore, one who had "stored" the ship (the Sea King) on this voyage, said he saw nothing unusual in a ship bound for the East Indies going out without cargo.

In cross-examination it appeared that the vessel had 700 or 800 tons of coal, which was pretty well as much as she could carry. This, however, he said, was not at all unusual. Nor was it unusual to send a vessel out with a power of sale.

This closed the case for the defence.

It was now nearly 5 o'clock, and the trial was about to be adjourned, when the foreman of the jury, after a brief conference with his fellows, intimated that they should like to know what was the principal question, as they thought they were agreed upon it in favor of the defendant.

The LORD CHIEF JUSTICE. The first question, gentlemen, is, whether you believe the statement that Captain Corbett, when he announced that he had sold the vessel, said anything to induce the men to join. Upon that there is a conflict of evidence, and it is for you to make up you minds upon it.

The SOLICITOR GENERAL said there was the question as to what was proved to have passed between Captain Corbett and the witness Allen in the cabin.

The LORD CHIEF JUSTICE. No doubt. But if the jury don't believe one part of the story, probably they would not believe the rest. That is, if they think the Crown witnesses were mistaken, and have been putting into the mouth of Captain Corbett what was really said by Captain Waddell, probably they would think so of the whole.

The foreman intimated that this was the view he had intended to convey, and they presumed that their opinion upon that point would decide the others.

The LORD CHIEF JUSTICE. Suppose you thought that Captain Corbett did use the language ascribed to him, then other questions would arise, and points of law upon them. But the first question, no doubt, is, whether the language described was really used by Captain Corbett.

The Foreman. That is, at the Desertas?

The LORD CHIEF JUSTICE. The act of Parliament makes it an offence to induce or attempt to induce a British subject to enlist if it is in the Queen's dominions. But the Desertas are clearly not a place within her Majesty's dominions. A British ship, however, (in my opinion,) for this purpose clearly is so. And there would be a question (supposing you were satisfied that the words were used by the defendant) whether this was, at the time, a British vessel. And then would come the further and more important question whether Captain Corbett, the defendant, when engaging these men at Liverpool, did so with a purpose beyond that of having the ship navigated to a place where she should be given up, and with the intention of the men being induced to enlist in the service. These questions, however, would not arise unless you should believe that Captain Corbett did use the languge ascribed to him. That is certainly entirely for you. But it is a case of such importance that perhaps it would be better that you should not form a decided opinion upon it until you have heard the solicitor general, unless, indeed, your opinion upon it is so strong that it cannot be shaken.

The SOLICITOR GENERAL said he certainly desired to address the jury.

The jury appeared to hesitate.

The LORD CHIEF JUSTICE. It is desirable that every possible consideration should be given to the case; and I am sure that you will give it your best and fullest consideration.

The jury, upon this appeal, consulted together and said that such being his lordship's opinion (and it was also their own) they were ready to hear the solicitor general.

The case was then adjourned.

Mr. Adams to Mr. Seward.

No. 1101.] LEGATION OF THE UNITED STATES,
London, December 1, 1865.

SIR: The slip herewith transmitted is of little importance in itself. It came to me in an envelope without any name. But I think it advisable that you should be put in possession of it as a clue to certain movements of intriguing and desperate people on this side. The ephemeral newspaper from which it is taken is just set up, and is supposed to be the organ of some of the remnant of the directors of the deceased Index, who are still animated with a hope of stirring up the embers of strife between the two countries. It is alleged that Mr. George Saunders is here, making some use or other of the Fenian agitation as one, and of the Mexican question as another engine to bring about a combination between England and France, for vague purposes, perhaps scarcely shaped in the minds of the intriguers themselves.

I cannot perceives the smallest indication of any disposition in the press generally to give sanction or currency to their ideas.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

CANADA IN ARMS.

Will England fight for Canada? If not, Canada will not fight for herself. And yet the colony has never been so loyal nor so prosperous as at the present moment. But she cannot defend herself from the warlike and aggressive power that lies a thousand miles along her borders. And is war imminent, then, between Canada and the United States? Most assuredly it is, and not only imminent, but the colonial troops are under arms along the borders,

and, while we write, the blood of hostile neighbors may already have mingled with the tide of the St. Lawrence.

We have been slow to believe in the disposition of the United States, all scarified with the wounds of civil strife, to pick a quarrel with any foreign power; and even now we will exonerate the government at Washington from any deliberate design of war. But governments, however pacifically inclined, oftener drift with the tide than successfully resist it. We begin sincerely to doubt if it is in the combined power of President Johnson and Earl Russell to prevent a conflict between the United States and the Canadian forces. They have permitted Fenianism to live too long, to grow too large, and to go too far. It is the openly avowed purpose of the Fenians to take Canada, and nothing but the forces of the United States troops can prevent it; and few of these can be made to fight against their "Irish fellow-citizens," especially since the fraternizing of the democratic party with the Fenian Brotherhood. There is a very general feeling in America that the late lamented Palmerston represented the pluck of England; and they do not believe that the ministry of Earl Russell, to quote their own words, more forcible than elegant, can be "kicked into a war with the United States." The policy of England as well as her interest is peace. Commerce is the life of the British empire. She makes the goods and does the carrying for all the world. Her national debt, incurred by war, is already as much as her people can bear. Another ounce would break the patient camel's back. England, they say, will not go to war for Canada, already more of a burden than a support to the home government. And thus the Fenian programme is arranged. With the conquest of Canada, a provisional government will be set up, letters of marque issued against the commerce of Great Britain, a Yankee fleet let loose upon the seas, and the cost and the consequences who can calculate? And what has England to do in this perilous emergency? Call a meeting of Parliament without delay, to deliberate upon the situation; and if the present ministry is not master of it, let one be got together that is. No matter of what party, or what shade of politics, England's hour has come, when she needs her best man at the wheel, her keenest eye on the lookout, and her pluckiest captain on the deck.

It cannot be denied that the animus of the masses in the United States—both north and south—is deeply and bitterly hostile to England, independent of the Fenian element. The cold "neutrality" attitude assumed by the government during the war satisfied neither party in the great contest; while both have become irate over their respective grievances. The recent publication, by authority of the powers at Washington, of the names of confederate bondholders and blockade-runners, could have no other object or effect than to inflame the masses of the north; while the people of the south are growing sicker and sicker of the merely mercenary and commercial "sympathy" which the southern cause received among the traders of Liverpool and London. The moment the confederacy collapsed and its exchequer was exhausted, English "sympathizers" made haste to ignore a cause which could yield them no more gains; and in some cases even southern representatives, so much courted when the prospect was hopeful, and the golden streams abundant, were treated only as defeated, and, therefore, "disreputable rebels." Such is human nature—such is the law of self-interest that rules the world, especially the world of traders England must not be deluded by the rose-water speeches of money-men, who have just been feasted and feted in the United States, and who saw in the sumptuous banquet-halls of railway speculators only a set of velvet-tongued toadies and flatterers who gently stroke the beard of the British lion with the softest plume of the American eagle. The most popular man in America to-day is the man who declares war against England; and, much as we deprecate war, and love to sing and to listen to the sweet lullaby of peace, yet we cannot shut our eyes to the fact that the muttering clouds now lowering in the west are heavily and fearfully charged with the red lightning of war. The only way to avert it is by the joint action of England and France, presenting a bold front, and insisting upon a congress for the settlement of all international difficulties.—*Cosmopolitan, December 2.*

Mr. Adams to Mr. Seward.

No. 1104.] LEGATION OF THE UNITED STATES,
London, December 6, 1865.

SIR: In accordance with the desire expressed in your despatch No. 1579, of the 4th of November, I presented a copy of the same to Lord Clarendon, who freely expressed his approbation of it, after which I concluded to give it publicity through the press. It accordingly appeared simultaneously in all the London morning papers of Saturday last, the 2d instant. I transmit a copy of the Times of that day, and likewise a copy of the same paper of the 5th, con-

taining a leader on the subject. The tone of this is conciliatory until towards the close, when allusions are made of an ambiguous character.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

From the Times, December 5, 1865.

There are few Englishmen of any feeling who would not have a host of once vivid impressions revived by the sight of Mr. Seward's despatch to the American minister in our Saturday's columns. It is only seven months since we heard the news of a crime which grows in magnitude and in horror as we drift away from it down the swift stream of time. The intervening period has not been uneventful or unexciting. We too, like the Americans, have lost the political chief of our government, and quietly accepted the next in authority. The United States themselves have been pacified, reorganized, and reunited, with a rapidity and ease that command our admiration. Our own immense empire has never failed to produce, somewhere or other, objects of anxious or agreeable interest. At home we are dividing our time between domestic economies and organic reconstruction. Our hands are never idle, but we can still feel the shock of the frightful tragedy which only in the spring of this year threw into the background every lesser or older misery, and might atone for any number of errors. It so happened that Abraham Lincoln, by the progress of or the amendment of truth, had righted himself in English esteem, and then stood as well in our regards as any foreign potentate could ever hope to stand. We admired the man, and were beginning to like him, seeing in him the able and kind-hearted administrator of the greatest work of social peace-making the world had yet seen. So we felt his murder as we should have done that of a leading British statesman at the hands of a political fanatic. There was more, indeed, in his case than there would ever be in this country, unless we could suppose half the realm making head against the other half for several years. There was the grand ceremony of a national reconciliation to be performed, and, as Heaven would have it, there lay bleeding before us the victim to consecrate it. Other victims were intended, and the assassins so far succeeded that one, the foremost statesman on the federal side, and the man with whom we had most to do, had to endure for months a living martyrdom. The strong will, the active intellect, and the ready tongue lay trembling between life and death when the most difficult stage of his great task had only just begun. We could not but be deeply impressed with a catastrophe that appealed to the chief qualities of our race, and the national sympathy burst out at a thousand openings, wherever many or few had been wont to come together and make a common utterance. It was the same elsewhere. So mail after mail took across the Atlantic such piles of condolence as had probably never before been evoked by any national bereavement. Answer could hardly be expected, for the man to answer was himself a dying man, for the time as helpless as his chief. So we were all content to wait; and now, after seven months, we find that we can revert to that crisis with undiminished horror at the deed, and larger and more certain knowledge of its place in the work of American reconstruction.

The American Secretary of State has done all that could be done under the circumstances. Any attempt to produce a form of words specially appropriate to every address and every community would have been only a ridiculous effort of literary clerkship. Even in this country people are little aware of the pressure of work in the principal departments on an extraordinary crisis or in a busy season. At Washington there was a war to be brought to an end, a great empire to be rebuilt, and a good many questions with other countries to be settled, if possible, to the satisfaction alike of the American and of the foreigner. Mr. Seward, who has recovered slowly from his terrible succession of injuries, has only just been able to speak for himself and his government. The British public will not have failed to notice the modesty with which the Secretary alludes to the cause of this delay. His department was indeed crippled when he lay, as many thought, on his death-bed, with wound upon wound; for that was "the peculiar calamity" which then impaired the efficiency of the American foreign office. That a government simply constructed for the transaction of necessary affairs in the ordinary course of public business should have been able to do its share in the work of the war was itself a wonder to this country. But when a new calamity involved new "obligations"—the calamity a partial massacre of the government, and the "obligations" the duty of answering condolences—the worst foe of republican institutions could not but do justice to the government which went on at all under such circumstances. We all saw, and duly appreciated, that there was not the least symptom of failure or collapse. Everything went on as usual, as far as met the eye. Our own difficulties, indeed, are so different in kind that it is not easy to make a just and intelligible comparison; but after witnessing the confusion apt to take place in other States upon the sudden withdrawing or the disabling of those at the head of critical affairs, we seemed to recognize a character like our own in a

people whose chief rulers fell or were prostrated in a day, at a time when they were more than ever wanted, but which went on just as usual.

The simple but very hearty acknowledgments of the American Secretary seem to give us an opening for a word or two on the prevalent feelings of this country towards the United States. It would be quite idle to deny that there are points upon which this country is jealous, or sore, or without the perfect sympathy that obtains between two similar social systems. With long arrears of quarrels upon one trifle or another, and a new one every year, and with a very strong opinion on this side that our rights were often sacrificed to political exigencies in the United States, we certainly have found it difficult to appreciate the Americans as we really wish to do. We can afford to make this confession when we state what we believe to be the truth as to the great extent of our good wishes for America. We have not the least objection to the United States increasing to any extent, and annexing any amount of territory or number of States, so long as it is all done honestly, above-board, and by fair appeals to the sympathy and good sense of the people. If the population, either of our own provinces or of Mexico, freely and spontaneously declared that they thought this their best chance of peace and prosperity, the British people would only feel the most passing regret at the loss of a name, and the proportionate aggrandizement of the United States. Of course the case is altered if the object is to be obtained by fraud, by force, or by intimidation. In that case, not only is there actual wrong done upon our own loyal fellow subjects, and others entitled to our sympathy, but there is also established a prescription, a policy, and a temper ruinous to the future peace and even progress of the world. History contains some very colossal instances of continual annexation by fraud and by violence; in fact, by policies constructed with a special view to perpetual aggrandizement. But the event yet condemns them; the moral sense is opposed to them; and modern politics are mainly directed to prevent the recurrence of the evil. It is from no special jealousy of the United States that we dread their indefinite enlargement by the means too often employed, and vainly denounced by American demoralists. It is our English habit, our second nature, our historical teaching, our European law. Even in Europe we are glad to see Italians or Germans achieve more comprehensive unions than circumstances have hitherto allowed. Nor should we object to any amount of aggregation in America by equally allowable means. Only, as a great State we cannot bear to be ousted, outwitted, and coerced, and to see our own people suffer for their loyalty.

Mr. Adams to Mr. Seward.

No. 1105.] LEGATION OF THE UNITED STATES,
London, December 6, 1865.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Clarendon, on the 2d instant, in acknowledgment of mine to him of the 18th of last month, in reply to Lord Russell's valedictory.

Thus I trust, that we have reached the term of the controversial struggle. I concur in the opinion of his lordship that it was time to bring it to a close.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The Earl Clarendon to Mr. Adams.

FOREIGN OFFICE, *December* 2, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, having reference to the letter which my predecessor addressed to you on the 3d ultimo.

There are many statements in your letter which I should be prepared to controvert if it were not that her Majesty's government consider that no advantage can result from prolonging a controvery of which the topics are generally exhausted, but which might possibly, if continued, introduce acrimony into the relations between this country and the United States, two nations who, from kindred origin and mutual interests, should desire to be knit together by bonds of the closest friendship. Such a desire is strongly felt by the government and people of this country, and her Majesty's government do not doubt that it is shared by the government and people of the United States.

While abstaining, therefore, from any discussion of the passages in your letter to the correctness of which I am unable to subscribe, it is nevertheless my duty, in closing this

correspondence, to observe that no armed vessel departed during the war from a British port to cruise against the commerce of the United States, and to maintain that throughout all the difficulties of the civil war by which the United States have lately been distracted, but in the termination of which no nation rejoices more cordially than Great Britain, the British government have steadily and honestly discharged all the duties incumbent on them as a neutral power, and have never deviated from the obligations imposed on them by international law.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1618.] DEPARTMENT OF STATE,
Washington, December 8, 1865.

SIR: I transmit a copy of an *instruction of the 5th instant, addressed by this department to Mr. Nelson, the minister of the United States at Santiago de Chili. This paper will acquaint you with our views of the controversy between that republic and Spain, which has already resulted in an attempted blockade of Chilian ports by Spanish vessels of war, and which may be followed by other hostilities. These proceedings, so embarrassing to that commerce with Chili of which the United States has had a considerable share, are to be deplored on account of the interruption to business which they will occasion, and also for other obvious reasons. We have endeavored to prevent them by moral means, which if not hitherto entirely effective, may, it is hoped, if properly followed up, ultimately mitigate their effects and lead to the restoration of peace between those powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Same to United States minister at Paris. Same date.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
No. 1621.] *Washington, December* 11, 1865.

SIR: You will receive herewith a copy of a communication of the 11th of November, addressed to this department by Mr. John Fanning, late an officer in the volunteer service of the United States. I will thank you to present to her Majesty's government a statement of the facts therein represented, and request that an early investigation of the circumstances attending this case may be made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Captain Fanning to Mr. Seward.

DUBLIN, *November* 11, 1865.

SIR: I have the honor to represent that I am a citizen of the United States by adoption. I had the honor to hold a commission as captain of company A, tenth Ohio volunteer infantry, and served for three years and two months in that capacity during the late rebellion. I had also the honor to serve five years in the second United States cavalry, previous to the rebellion.

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*For this enclosure see correspondence with Chili.

After settling my accounts with the departments at Washington, I desired to visit my friends in Ireland, of which country I am a native, and where nearly all my relatives reside. For that purpose I left New York on the first of September ultimo, and reached Dublin on the sixteenth of the same month. I remained in Dublin until the second of October, when I left to visit my relatives at Ballinamore, county Leitrim. I reached the town of Killeshandra on the third of October, and while waiting to change horses, was arrested by Sub-Inspector Valentine, of the constabulary or rural police, my baggage searched, my pistol, one round of ammunition for the same, with a few caps, taken from me, and myself and Lieutenant McNeff, of the same regiment, hand-cuffed and thrown into jail at Cavan, regardless of our solemn protest against such an indignity being offered to an American citizen journeying through this place. I was incarcerated for seventeen days without trial at the instance of the police, at the expiration of which time I was discharged on bail to stand my trial at the ensuing March assizes for having a pistol in my possession. I am thus constrained to remain in the county *nolens volens* or forfeit my bail. Lieutenant McNeff, my fellow-traveller, after an absence of many years from the home of his childhood, over three spent in the service of his country, is yet in jail for the same crime, and, as I have been informed by the jail authorities, is obliged to wear a prison garb, and is kept breaking stone in the jail-yard; this too, without any trial or conviction. I therefore respectfully and solemnly protest that the great United States should not recognize the precedent established by England in tolerating the summary and reckless arrest and imprisonment of British subjects by the king of Abyssinia.

This is a plain statement of my case, and I refer it, as also that of Lieutenant McNeff, to you for adjudication.

Time was when no power on earth dared molest the Roman citizen untainted with crime; when the name alone was a sufficient passport through the nations of the earth. When I threw off my allegiance to Victoria, the Queen of England, and put myself under the ægis of the United States, I felt such a thrill of exultation on changing the degrading status of a mere subject to that proud one of citizenship, as could not have been known to even the Roman of old. The evidence of my devotion and sincerity is the eight years spent in the service of my adopted country.

Now, sir, I place myself under your protection, and respectfully claim all the immunities of a citizen of the United States I am satisfied that the honor of every citizen away from his own country is safe in your hands, and I trust you will not deem me obtrusive if I claim from my government ample reparation for the outrage and indignity offered to the United States in the person of your obedient servant,

JOHN FANNING,
Ex-captain Tenth Ohio Volunteer Infantry.

Hon. WILLIAM H. SEWARD,
Secretary of State, United States of America.

Mr. Seward to Mr. Adams.

No. 1625.] DEPARTMENT OF STATE,
Washington, December 14, 1865.

SIR: Your despatch of the 23d of November, No. 1095, has been received.

It is accompanied by a copy of two notes which Lord Clarendon addressed to you on the 17th and 18th of November, respectively, on the case of the Shenandoah, and by a copy of your reply made to both of those notes on the 21st of that month.

The President is content that you shall leave the case of the Shenandoah on the foundation on which it has been put by us in the long correspondence which you have so ably conducted to its present conclusion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1626.] DEPARTMENT OF STATE,
Washington, December 14, 1865.

SIR: Your despatch of the 22d of November, No. 1093, has been received. It is accompanied by a copy of the note which you addressed to Lord Claren-

don, on the 18th of November, in rejoinder to Earl Russell's note to you of the 2d of that month. Your argument contained therein is regarded as accurate and just.

I am directed by the President to approve of the views which you have expressed in regard to a proposition made by Earl Russell for a concurrent revision by the two governments of their legislation upon the subject of the neutrality laws. You will therefore inform Lord Clarendon that the United States do not incline towards an acceptance of Earl Russell's proposition.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1106.] LEGATION OF THE UNITED STATES,
London, December 14, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1598 to 1610, inclusive, together with a copy of a volume entitled the Tribute Book, intended for this legation.

The event of the past week is the death of the King of Belgium. This, considering his age and infirmities, can scarcely be regarded as unexpected. It has, however, been looked forward to with some uneasiness, on account of the peculiar internal condition of that kingdom, and a certain consciousness of the parties originally making the settlement of the Crown, of its insecurity, if not sustained by the personal character of the monarch. There has been a vague floating impression that the decease of Leopold would be the signal of immediate complications in Europe. Hence the quiet manner in which his successor has been recognized has been at once construed as putting an end to every danger. These conclusions appear to be equally precipitate. The true test of the stability of Belgium will be found in the capacity of the new sovereign to meet the responsibility to which he is called. This can be proved only by time. Meanwhile, no change in the relative position of the great European powers will be perceptible to the outward eye.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1107.] LEGATION OF THE UNITED STATES,
London, December 14, 1865.

SIR: In accordance with the desire expressed in your despatches 1586, 1596, and 1597, I communicated to Lord Clarendon the copies of Mr. Hibbard's note on the slave trade, and of Mr. Savage's on the same subject. Copies of my notes and of his lordship's acknowledgment are transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, December 5, 1865.

MY LORD: I have the honor to transmit a copy of a communication, without date, addressed to the Secretary of State of the United States, by Mr. Hibbard, arbitrator of the mixed court at Sierra Leone, giving his views of the most effectual mode of suppressing the slave trade. I am instructed to submit the same for the consideration of her Majesty's government.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c.. &c., &c.*

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, December 5, 1865.

MY LORD: I am directed by my government to transmit to your lordship, for the information of her Majesty's government, copies of two letters addressed to Mr. Seward by the vice-consul general of the United States at Havana. One bears date the 23d of September, the other the 4th of November. Both of them relate to the suppression of the slave trade in the island of Cuba.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c., &c.,&c.*

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE,
December 9, 1865.

SIR: I have the honor to acknowledge the receipt of the two letters which you addressed to me on the 5th instant; one enclosing copies of two despatches from the vice-consul general of the United States at Havana, on the subject of the Cuban slave trade, and the other enclosing a copy of a communication addressed by Mr. Hibbard, the United States arbitrator in the mixed commission court at Sierra Leone to his government. giving his views of the most effectual mode of suppressing the slave trade, and of reclaiming Africa.

I have to request that you will be good enough to convey to Mr. Seward the thanks of her Majesty's government for these communications.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

C. F. ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1110.] LEGATION OF THE UNITED STATES,
London, December 14, 1865.

SIR: The Shenandoah having failed to make her passage across, by reason of the roughness of the weather, the person commanding her has returned to Liverpool, where she now lies under the care of the consul, Mr. Dudley. Before consulting me he sent telegrams to Admiral Goldsborough to learn whether he could detail any force from his command to take charge of her. Thus far I do not understand that he has received any reply. On many accounts I should be very glad to devolve the whole care of the vessel on the admiral if he will consent to take it in his charge and send her home, as he would a prize. But if he should decline, I have serious doubts about making a second experiment with a wholly irresponsible captain. There are objections to letting her remain in a port so ill-affected as Liverpool, but, on the whole, they seem to me less serious

than those which spring from an irregular and unauthorized mode of dealing with the case. I am, therefore, disinclined to advise any further measures to equip the vessel from here without formal instructions from the proper department of the government. I hope, therefore, that the Navy Department will prepare the necessary steps to assume this charge, in case Admiral Goldsborough, who is now believed to be in the Mediterranean, should find himself unable to do so. Of his decision you will probably receive intelligence very soon, either from Mr. Dudley or myself.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1628.] DEPARTMENT OF STATE,
Washington, December 16, 1865.

SIR: I have received your despatch of December 1st, No. 1101. I thank you for your attention in giving to me the information therein contained. There is a soreness in several of the lately disloyal States in the relations which exist between the whites and the blacks; a necessary consequence, perhaps, of past events. For this reason, the municipal authorities there need the support of a small military national force. The presence, however, of that very inconsiderable force is equally acceptable to the whites and to the blacks; it meets nowhere an enemy of the United States.

In no case in the world's history has treason been so effectually suppressed and extirpated. Neither Great Britain nor France, nor both combined, if disposed to engage in war with the United States, as we trust indeed they are not, would now find an ally here. If emissaries of the late rebellion, who are yet lingering in Europe, succeed in practicing upon the credulity of politicians there, it is a pitiable fruit of the original error of European sympathies with our domestic enemies.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1630.] DEPARTMENT OF STATE,
Washington, December 18, 1865.

SIR: I have received your despatch of the 1st of December, No. 1099, enclosing copies of the London Times of the 30th ultimo and 1st instant, containing a report of the proceedings before the court of Queen's bench in the case of Captain Corbett, charged with a violation of the foreign enlistment act.

The actual result of this case excites no surprise here. Of complaints of the character above named there have, perhaps, been enough at present. But should you think otherwise, you are at liberty to make the proper representations to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c, &c.

Mr. Adams to Mr. Seward.

No. 1111.] LEGATION OF THE UNITED STATES,
London, December 21, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1611 to 1615, inclusive, and likewise two printed copies of the military order of the 24th of November, 1865, in relation to the rewards offered for the arrest of certain persons.

The same steamer which brought these despatches furnished to the public copies of the President's annual message, of the report of the Secretary of the Treasury, and of other papers, emanating from the executive department. The general effect produced by these publications has been most favorable. There is but one voice in regard to the dignity and comprehensiveness of the message. The effect of the treasury report has been felt in a sudden rise in the value of the government bonds, both in Germany and in this country. All this is a source of much exultation to those of us who have had the fortune to represent the country among the malevolent classes abroad, independently of the purer gratification we derive from a confirmation of our trust in the patriotic and wise direction of affairs through which we may soon hope for a re-establishment of the nation on a footing even more elevated than it has reached at any former time.

Although, perhaps, it may be deemed a work of supererogation, I cannot withhold the expression of my own hearty concurrence in the views taken by the President, not less of the financial and constitutional than of the diplomatic questions, which it has been his duty at this critical moment to present to the country.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1112.] LEGATION OF THE UNITED STATES,
London, December 21, 1865.

SIR: On the receipt of your No. 1612, of the 30th of November, I solicited an interview with Lord Clarendon, which he accorded to me yesterday afternoon.

I told him that my object was simply to furnish him with the reply of my government to the note which he had addressed to me on the 11th of November in regard to the delivery of the Shenandoah, and the disposal made of the crew. I recalled to his mind the brief terms in which I had acknowledged it, and my expression of a disinclination to add a word of my own to aggravate the feeling which I foresaw it would occasion. I had now received a despatch from Washington, written after an examination of the papers which I was directed to submit to him. With his consent, I proceeded to read the contents of the paper. Referring to the last clause in it, I concluded by offering to leave a copy of it.

His lordship accepted the copy, at the same time manifesting a little emotion. He only added that he should prefer not to say a word about it on the moment, but rather to reserve his observations upon it until he could commit them to writing. I replied that this was the course which I had presumed he would take.

A little desultory conversation followed. The views heretofore respectively

taken of the two sides of the general question in dispute between us were reiterated with little variation, but all in good temper, after which I took my leave.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1115.] LEGATION OF THE UNITED STATES,
London, December 21, 1865.

SIR: I have received from Mr. Graham, the consul of the United States at Capetown, a letter dated the 13th November, reporting a proposal made to him by her Majesty's naval commander at Simon's Bay to deliver to him the Tuscaloosa, which has been lying there so long. I presume that Mr. Graham has already reported the facts directly to the department. Hence it will be only necessary for me to say that in answer to his application to me for instructions, I replied by approving the course he had taken in agreeing to take the vessel, on behalf of the government, for the private owners, with an express reservation of all claims on the British government for damages of any kind by reason of the capture and long detention.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1638.] DEPARTMENT OF STATE,
Washington, December 28, 1865.

SIR: I enclose to you a translation of a communication of the 11th of November, addressed by Mr. S. Salnave, chief of the revolutionists in Hayti, to the Hon. Salmon P. Chase, Chief Justice of the United States, for the consideration of this government, from which it appears that with a view to the overthrow of the revolutionary party on that island, President Geffrard has, in order to obtain the co-operation of certain British naval vessels there, made proposals to cede portions of that territory to the British government.

It is suggested that to counteract numerous designs prejudicial to general peace, her Britannic Majesty's government would cheerfully give assurances that they do not intend or expect to acquire territory in Hayti.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Salnave to Chief Justice Chase.

[Translation.]

MONTE CHRISTO, *November* 11, 1865.

SIR: The undersigned has the honor to address to you this note to call your attention to a question of justice and of progress which cannot fail to interest you.

We have directed at the city of the Cape (Hayti) a liberal revolution, having only for its object the overthrow of the despotism of Mr. Geffrard and to establish in its place the democratic institutions which constitute the honor and power of the United States.

The revolution has resisted for six months all the efforts of the tyrant, and we were on the point of overthrowing him when he had recourse to English intervention.

He pushed, by means unknown, the captain of the British war steamer Bulldog into seeking a quarrel with us, without a plausible motive, and in consequence to bombard our city. Seeing that we held out after this bombardment, he caused two other English vessels of war to come from Kingston—the Galope and the Lily. These two vessels presented themselves at the cape, with Mr. St. John, chargé d'affaires of the British government, and without choosing to listen to a single justification on our part, or to accept any reparation for what they called an affront to their flag, they demanded a dishonoring action—that of going on board their vessels to be deported, and upon our refusal to abase ourselves, bombarded all our fortifications, and thus favored the entrance of the army of Geffrard within our walls. It need not be told that if the English could, in contempt of the law of nations, intervene by force of arms with the policy of our country, to destroy a revolution which was to give to Hayti liberty and prosperity, it is because Geffrard has made them promises about certain portions of the territory of our island. Such an engagement would be disastrous to the country, and would break up the American policy of our country, as it has established the Monroe system, which extends over all the American nations.

We feel ourselves able to recommence the revolution, and end it in less than a month, if we obtain from the government at Washington the succor we need in arms, powder, and other munitions of war. We have in the country profound sympathies. Our cause is that of liberty and progress. If your government chooses to sustain us, we will make it triumphant for the happiness of our country and the extension of friendly relations with the great American republic. To obtain this aid, we offer to guarantee to the Cabinet of Washington the port of Mole St. Nicolas as a maritime station. It is not the policy of the United States to establish colonies, but a maritime arsenal in a central position on the ocean cannot but be of great importance to them. Without detaching the city of Mole St. Nicolas from the indivisible body of the Haytian nationality, we would come under obligation to establish a maritime station and arsenal for the government of the United States of America, to which we would bind us more strictly still by a treaty of friendship and commerce.

We would be very glad to receive your answer in this respect, if the proposal attracts your attention. Presented by a man of your importance to the Cabinet of Washington, it cannot fail of success. At all events, we ask of you profound *secresy* on this overture. If Geffrard should get the least news of it, he would not neglect to invite the English to the point in question. We hold out at Monte Christo, on Dominican territory, waiting the honor of a reply, which we beg you to make as soon as possible. Meantime we pray you to accept the assurances of our most distinguished consideration.

S. SALNAVE.

Hon. SALMON P. CHASE,
Chief Justice of the United States.

Mr Adams to Mr. Seward.

No. 1117.] LEGATION OF THE UNITED STATES,
London, December 28, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1616 to 1624, inclusive; also three printed copies of the President's order of the 1st of December, restoring the writ of *habeas corpus*, and several pamphlet copies of his annual message.

I have already taken action in regard to the matters contained in Nos. 1616 and 1623, but shall postpone making a special report on them until I receive the customary replies from the foreign office.

With regard to the directions contained in No. 1621, I find by a report from Mr. West, the consul at Dublin, dated the 25th of November, that, owing to his representations, Captain Fanning had been released from arrest previous to that date; hence there seems to be no necessity for making representations to this government, as suggested in your despatch. I shall, however, make new inquiries of Mr West, to ascertain whether there be any further cause of complaint on the part of Captain Fanning, and regulate my action accordingly.

There has been some difficulty in distinguishing between the persons who have come to Ireland from America during the present difficulties with regard to the purposes of their visit. That many of them are more or less connected with the Fenian organization it is impossible to deny. The harder task is to define

those who are not. I have endeavored so to advise the consuls as to secure a proper share of protection for innocent persons, who are citizens of the United States, without attempting to interfere on behalf of those who have justly subjected themselves to suspicion of complicity with treasonable projects.

It is probable that you are kept so fully advised of these proceedings by the consuls there that I think it superfluous to dwell upon them further.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1118.] LEGATION OF THE UNITED STATES,
London, December 28, 1865.

SIR: I have received an answer from Admiral Goldsborough to my application to him to know whether he could take charge of the Shenandoah. He appears unwilling to assume that responsibility, unless I expressly desire him to do so; and in case he did, he thinks it likely, from the report he has already made to the Navy Department on the subject, that his arrangements might clash with those which may already have been matured at Washington.

Under these circumstances I have directed the consul at Liverpool, Mr. Dudley, to lay up the vessel at that place until further orders from the proper authorities of the government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D C.

Mr. Adams to Mr. Seward.

No. 1119.] LEGATION OF THE UNITED STATES,
London, December 28, 1865.

SIR: I have the honor to transmit a copy of the supplement to the London Gazette, of the 22d instant, which contains the remainder of the correspondence between the foreign secretary and myself on the controverted question now pending between the two nations. It has naturally given occasion to less of commentary in the public press than the earlier portion, which really embraced all the elements for a judgment. The only leader which seems to deserve your attention is that contained in the Times of the 25th instant, a copy of which I transmit. You will perceive in it a renewal of the suggestion of a commission which may or may not have its origin in higher quarters. I am well convinced that the present position of the government is not regarded as at all satisfactory. Vague intimations have reached me of some intention to bring the subject formally before Parliament at an early period of the session. While I place no dependence upon these, I think it my duty to mention the fact as more or less indicative of the state of opinion here.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1639.] DEPARTMENT OF STATE,
Washington, December 30, 1865.

SIR: I enclose herewith, for your information, an anthenticated copy of an affidavit which was communicated to this department by William Skiddy, esq., of Stamford, Connecticut, upon the subject of the letter of Sir James Elphinstone to the London Standard. Mr. Skiddy participated in the transaction referred to therein, and by his own statement destroyed the applicability of the precedent to Waddell's conduct.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

STAMFORD, CONN., *December* 18, 1865.

SIR: I have received your letter of December 13th instant, in reference to my communication made to the Hon. Gideon Welles, Secretary of the Navy, which contained an extract from the Herald, to the effect that Sir James Elphinstone had written to the London Standard, stating that a precedent existed for the course of the Shenandoah in the conduct of the United States sloop-of-war Hornet in the year 1815—(given in James's History of the War.) I was, as then ranked, a midshipman master's mate on board the Hornet at that time, (equivalent to an ensign now,) and believe myself to be the only surviving officer—the rebel Admiral French Forrest excepted. We sailed from New York about the 22d of January, 1815. Two or three days after, we boarded a Portuguese brig in the Gulf Stream, but a dark night and increasing gale from the northwest obliged the boat and crew to return, and we were nearly lost before reaching the ship. This brig had been a long time at sea, and could not give us any news. I was the boarding officer. We had parted company with the Peacock and Tom Bowling. Nothing further transpired until about a month afterwards, when in latitude of the Cape de Verde islands we boarded a French merchant brig from Bordeaux bound to the West Indies. I was the boarding officer, and conducted the captain on board the Hornet. Captain Biddle not speaking French, I was his interpreter, and the conversation was all carried on through me, and at its close I put the French captain on board his brig. We saw no other vessel until the 23d of March, 1815, when in the morning we made the island of Tristan d'Acunha, in latitude 37° 6′ south, and longitude 12° west. As we were getting ready to land, we discovered a sail standing for us. We laid off and on until after 1 p. m., when the action commenced, and in twenty-two minutes after his Majesty's sloop-of-war Penguin, nineteen guns, was a prize to the United States sloop Hornet. The Penguin was but a few days from the Cape of Good Hope, and without news of a peaceable nature. On the contrary, she told us that an English frigate was not far off cruising for American vessels. About a month after this, April 27th, 28th, or 29th, in latitude 38° 30′, longitude 33° east, we were chased, and under the fire of a British seventy-four, (Cornwallis,) but escaped by throwing our guns overboard. Thus disabled we steered for St. Salvador, where we arrived about the last of June, when and where we first heard of a cessation of hostilities. On receiving this news Captain Biddle steered for home, and we arrived in New York the latter part of July.

I have the honor to remain your obedient servant,

WILLIAM SKIDDY,
Late Naval Constructor for United States Mail Steamships.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

STATE OF CONNECTICUT, *County of Fairfield, ss:*

Be it remembered, that on this 20th day of December, A. D. 1865, before me, William H. Holly, a notary public in and for said State, residing in Stamford, in said county, duly commissioned and sworn, personally appeared William Skiddy, who subscribed to the foregoing letter directed to the Hon. William H. Seward, and made solemn oath to the matter therein contained as true and correct.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year above stated.

[SEAL.]

WILLIAM H. HOLLY,
Notary Public.

[From the Herald.]

ALLEGED PRECEDENTS FOR WADDELL'S COURSE.

Sir James Elphinstone writes to the London Standard on the subject of the Shenandoah, and furnishes an extract from James's Naval History to prove the depredations of that vessel, after the termination of the war, are not without a precedent. At the close of the war between Great Britain and the United States, the American sloop Hornet captured his Majesty's sloop-of-war Penguin, after a desperate engagement. The captain of the Hornet had previously been informed by a neutral of the cessation of hostilities, but he disregarded the notice; taking the Penguin, and proceeded in company with an American sloop, the Peacock, to the East Indies, in order to have their share of the prizes yet to be made. The Hornet became disabled and returned, but the Peacock entered into an engagement with an East India Company's vessel, named the Nautilus, and the latter was compelled to surrender. In these engagements lives were sacrificed, and the affair naturally made a great sensation at the time. Sir James Elphinstone refers to the incidents now, because they may assist in the discussion which will inevitably ensue upon the surrender of the Shenandoah.

Mr. Seward to Mr. Adams and others.

No. 1640] DEPARTMENT OF STATE,
Washington, December 30, 1865.

SIR: I transmit to you a copy of letters of the 18th instant, which, by direction of the President, were addressed respectively to the provisional governor and governor elect of the State of Alabama. Similar letters have been addressed to the provisional governors and governors elect of the States of Georgia, South Carolina, North Carolina, and Mississippi, from which you will see that civil authority has been restored in those States, and that they are recognized as members of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

[Same, *mutatis mutandis*, to all United States ministers.]

DEPARTMENT OF STATE,
Washington, December 18, 1865.

SIR: The time has arrived when, in the judgment of the President of the United States, the care and conduct of the proper affairs of the State of Alabama may be remitted to the constitutional authorities chosen by the people thereof, without danger to the peace and safety of the United States. By direction of the President, therefore, you are relieved from the trust which was heretofore reposed in you as provisional governor of the State of Alabama. Whenever the governor elect shall have accepted and become qualified to discharge the duties of the executive office, you will transfer the papers and property of the State now in your custody to his excellency the governor elect.

It gives me especial pleasure to convey to you the President's acknowledgment of the fidelity, the loyalty, and the discretion which have marked your administration.

You will please give me a reply, specifying the day on which this communication is received.

I have the honor to be your excellency's most obedient servant,

WILLIAM H. SEWARD.

His Excellency LEWIS E. PARSONS,
Provisional Governor of the State of Alabama.

DEPARTMENT OF STATE,
Washington, December 18, 1865.

SIR; By direction of the President I have the honor herewith to transmit to you a copy of a communication which has been addressed to his excellency Lewis E. Parsons, late provisional governor of the State of Alabama, whereby he has been relieved of the trust heretofore reposed in him, and directed to deliver into your excellency's possession the papers and property relating to that trust.

I have the honor to tender you the co-operation of the government of the United States, whenever it may be found necessary, in effecting the early restoration and the permanent prosperity and welfare of the State over which you have been called to preside.

I have the honor to be, with great respect, your most obedient servant,

WILLIAM H. SEWARD.

His Excellency the GOVERNOR *of the State of Alabama.*

Mr. Hunter to Mr. Adams.

No. 1644.] DEPARTMENT OF STATE,
Washington, December 30, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 14th instant, No. 1110, and in reply to inform you that the Secretary of the Navy, to whom it was referred, states that his department has not the officers or men to spare for the purpose of bringing to a port of the United States the Shenandoah, but that whenever that vessel reaches one of our ports through other means, the Navy Department will, if requested, be happy to take charge of her.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Memorandum.

DEPARTMENT OF STATE,
Washington, December 31, 1865.

Despatches of the 14th and 15th instant from the consul of Liverpool were sent to the Navy Department later in the day yesterday than the reference of Mr. Adams's despatch, but nothing further has been received from that department; and as nothing will probably be done there in the way of business before the close of this mail, it is not likely that any further expression on the subject will pass through this department. It is possible, however, that they may send out instructions directly by this mail.

W. HUNTER, *Acting Secretary.*

Mr. Hunter to Mr. Adams.

No. 1646.] DEPARTMENT OF STATE,
Washington, January 4, 1866.

SIR: I enclose for your information a copy of a despatch, of the 30th of November last, from Mr. Morse, the United States consul at London, and a copy of a letter, of the 20th ultimo, from the Secretary of the Treasury, upon the subject of the recovery of a large amount of gold, alleged to be deposited in England, which was the property of the late insurgent authorities. Mr. Morse has been informed of the opinion of the Secretary of the Treasury.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Morse to Mr. Seward.

No. 349.] UNITED STATES CONSULATE,
London, November 30, 1865.

SIR: One or two persons here, whoappear to have full knowledge of some of the financial operations of the late rebels, say that from £50,000 to £60,000 of confederate government gold is now held in this city, by some person, house, or bank, and that the holders refuse to deliver it to any ex-confederate agent whatever, government or otherwise, invariably meeting all applicants for it with the reply: "You are not the proper person or party to receive it, and that it belongs to the United States, if they can find it." If we cannot obtain it the English holders will keep it. Now, the proof of the existence of this money, and its whereabouts, is only known to certain persons, not heretofore, if now, Union men, and they will not furnish the proofs that will enable us to recover the money without a handsome percentage for themselves on the amount so recovered.

They feel so confident that they can furnish all the evidence necessary that I think I can make a safe and confidential verbal arrangement with them, that the suit, should one be necessary, shall be commenced by the United States, at their expense, and if they fail to furnish all the evidence necessary to success, they will pay the expenses of the suit, and get nothing. But if successful, we pay expenses and their commission. Though all we get will be clear gain, I do not consider myself authorized to enter into any arrangement for allowing commissions with[out] express authority from you—though I might think it right and expedient to enter into a conditional arrangement, subject to your approval, where the case will not admit of delay, I wish always to avoid assuming any authority, not clearly given me. Will you, therefore, do me the honor to inform me by return post, if I am or may be authorized to make the best arrangement I can for the government in this, and cases of a similar character, should any other occur.

Should you direct me to proceed with the case, and we should recover, I presume some one should be authorized to receive the money, pay charges, and deposit the balance to the credit of your department.

I have the honor to be, your obedient servant,

F. W. MORSE, *Consul.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT,
December 20, 1865.

SIR: I have the honor to acknowledge the receipt of your letter submitting for my views despatch No. 349, dated November 30, ultimo, from the consul of the United States at London, relative to certain moneys heretofore belonging to the late rebel authorities, held by parties in that city.

It appears from the statements made in the despatch that certain persons in London will, for a consideration, furnish such information and perform such services as will lead to the recovery of a large amount of gold, heretofore the property of the late so-called Confederate States government.

So far as the practice of this department in analogous cases is concerned, it has not hesitated to make arrangements with parties in possession of information, or who will take the necessary steps to secure to the government any property or moneys justly belonging to it, but in regard to which it does not possess sufficient information to enable it to secure it. No general rule fixing compensation has been adopted, the award generally depending, to some extent, upon the value of services rendered and expenses incurred by parties acting on its behalf. It occurs to me, however, that if the consul at London is satisfied, from the representations made to him, that sufficient ground exists for such action on his part, it would be proper to authorize him to make an arrangement with the parties in question to the effect that they be allowed for their services and expenses in the premises one-fourth part of such amount as may be received by government from the source indicated; it being understood that if nothing is secured to government, all expenses incurred in the matter shall be borne by the parties in question, and no allowance be made to them therefor, or for any information given or service rendered by them.

The despatch referred to is herewith returned as requested.

With great respect, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1124.] LEGATION OF THE UNITED STATES,
London, January 4, 1866.

SIR: * * * * * *
There is little to note in the events of the past week. The meeting of the new Parliament has been once more postponed to the 1st of February, when it is really to assemble for the despatch of business. It is understood that the Queen has consented to open it in person, though with some conditions attached to the ceremony not heretofore practiced. Much more interest is felt in the action of this new body than ever was attached to the old one. It is generally conceded that the tendency of the cabinet is towards the advanced liberal side; and hence there will certainly be a plan of extending the franchise brought forward as a government measure. Much doubt is felt of the ability of Lord to Russell sustain himself upon it, but the chances seem to me to have been latterly increasing.

I think the tone of the press towards the United States is gradually improving. All the public documents emanating from the Executive department this year have been so good as to produce an excellent effect on the public mind. The position of the country never has been so high before, and if the President can successfully carry out his policy of restoration upon the principles laid down in his message. I foresee little further danger of difficulty here, no matter who may be called to the direction of affairs.

I should be glad to receive a number of copies of the report of the Secretary of the Treasury to circulate among the members of Parliament. It is very highly complimented in the moneyed circles, but not more so than it appears to me fairly to deserve.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1125.] LEGATION OF THE UNITED STATES,
London, January 4, 1866.

SIR: I have to acknowledge the reception of a note from H. N. Congar, commissioner of immigration, dated the 18th of December, in relation to an application made by Mr. Thomas W. Conway to the Department of State for letters of introduction to persons here to promote his object of obtaining aid for labor in the southern plantations. Such an application was scarcely necessary. If Mr. Conway only brings out proper evidence of his commission he will find all the persons really interested in his objects already so thoroughly organized here as to furnish him at once with the best channels through which to conduct his operations.

I learn that a considerable sum of money has already been obtained by a few of the Georgia planters, themselves at Manchester, with which to commence in good faith extensive experiments with freed labor. The appeals first made by them to those whom they had considered as sympathizers during the war, met with no response. All alike disbelieved in the disposition of the negro to labor. It was only by turning to the opposite class, which had been friendly to the United States, that they succeded in their object. I learn that they have

gone home fully confident that with the command of actual cash in hand there will be no difficulty whatever in securing any amount of labor. Large purchases of lands are contemplated by this new association, upon which to carry on the experiment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1126.] LEGATION OF THE UNITED STATES.
London, January 4, 1866.

SIR: In accordance with the desire expressed in your despatch No. 1616, of the 2d of December, I addressed a note to Lord Clarendon, on the 28th of last month, on the subject of the "Osborne flotilla," and the action of Sir Frederick Bruce in regard to it, to which his lordship replied on the 30th in a very satisfactory manner. Copies of the letters are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, December 28, 1865.

MY LORD: In a conversation which I had the honor to hold with your predecessor the right honorable Earl Russell, on the 25th of February, 1864, I acquitted myself of what was to me a most agreeable duty, of signifying to her Majesty's government the high sense entertained by that which I have the honor to represent, of the friendly proceedings of her Majesty's envoy in China, Sir Frederick Bruce, in regard to the disposition to be made of the vessels then known as the Osborne flotilla.

I now have the honor to submit to your lordship's consideration copies of certain papers which have been transmitted to me for the purpose of explaining the view held by my government of the further measures which Sir Frederick has been pleased to adopt to facilitate the complete execution of the plan proposed in that case.

I am instructed to express to your lordship the entire satisfaction of the United States with the course pursued by Sir Frederick in reference to this matter, as also in his relations with the government at Washington, and to inform you that it would be agreeable to it if the views to be presented should find favor with her Majesty's government.

I pray your lordship, &c., &c.

CHARLES FRANCIS ADAMS.

The Right Honorable EARL OF CLARENDON, *&c., &c., &c.*

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *December* 30, 1865.

SIR: I have had the honor to receive your letter of the 28th instant, and its enclosures, respecting the disposition of the vessels known as the Osborne flotilla, and the course pursued by Sir Frederick Bruce in the matter.

Her Majesty's government learn with great satisfaction that the steps taken by Sir Frederick Bruce in that matter, as also his relations with the government at Washington, are acceptable to the government.

Her Majesty's government have also received from her Majesty's chargé d'affaires at Peking a copy of a note, dated the 26th of August last, in which his highness Prince Kung expresses himself grateful to Sir Frederick Bruce for his conduct in regard to these vessels.

Her Majesty's government are using their utmost endeavors to wind up the affair in a manner which shall be satisfactory to all parties; and I may state that I have lately been informed by the board of admiralty that they are in treaty with the Egyptian government for the purchase by that government of the vessels of the squadron now in this country, and that the commodore commanding in India has been directed to take the necessary steps for disposing of them at Bombay.

I have the honor, &c., &c.

CLARENDON.

P. S.—Since writing the above, I have been informed by the admiralty that they have sold three of the vessels, namely, the China, Pekin, and Tientsin, to the Egyptian government, for the sum of thirty thousand one hundred pounds, (£30,100.)

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1127.] LEGATION OF THE UNITED STATES,
London, January 4, 1866.

SIR: I feel very much honored in receiving the President's approbation of my share of the correspondence with Lord Clarendon. In accordance with your desire expressed in No. 1626, of the 14th of December, I have disposed of the only remaining proposition left open between us, in a note to his lordship, a copy of which I have the honor to transmit.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Clarendon.

LEGATION OF THE UNITED STATES,
London, January 3, 1866.

MY LORD: It may, perhaps, be recollected by your lordship that, in the note which I had the honor to address to you on the 18th of November, allusion was made to a suggestion made by your predecessor the right honorable Earl Russell, in his note of the 2d of the same month, which I was then answering, that looked to the possibility of a concurrent revision of the statutes of both nations, to the end that greater security might be given to them against those who endeavor to evade the letter of their present neutrality laws. Considering this in the nature of a proposition, I took the liberty to mention to you that I should with pleasure transmit it for the consideration of my government.

I have now the honor to inform your lordship that the views of that subject expressed in my note have met with approval.

It is then with regret, but without surprise, that I find myself directed to add that the United States do not incline towards an acceptance of his lordship's proposition.

I pray your lordship to accept, &c., &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL OF CLARENDON, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1129.] LEGATION OF THE UNITED STATES,
London, January 5, 1866.

SIR: Not being altogether satisfied with the condition in which the case of the Shenandoah was left, under the statement of facts assumed by Lord Clarendon to be true in his note to me of the 2d of December, I took measures to search out, through Mr. Dudley, the consul at Liverpool, testimony of some persons on board of that vessel, as to what the truth really was. Not without difficulty

he obtained and sent me an affidavit from one of the crew, which contained so much internal evidence of its substantial accuracy, that I thought it advisable to forward it at once to Lord Clarendon, with a note distinctly specifying the points in his own statement upon which it bore. His lordship has thus far contented himself with a cold acknowledgment. Understanding from Mr. Dudley that copies of the depositions have been already forwarded to you, I now send you copies of the other papers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Lord Clarendon.

LEGATION OF THE UNITED STATES,
London, December 28, 1865.

MY LORD: Entertaining no desire to reopen the questions already discussed in connection with the steamer Shenandoah, I propose to submit the accompanying letter from the consul of the United States at Liverpool, and the two depositions to which it refers, solely for the purpose of placing more fully on the record what appear to be the facts connected with her cruise.

The points to which I desire particularly to call your lordship's attention are these:

1. In your note to me of the 2d instant you state "that no armed vessel departed during this war from a British port to cruise against the commerce of the United States."

2. In your note of the 4th of November your lordship is pleased to rely on the authority of the commander of the Shenandoah for the statement that he committed no depredations upon the commerce of the United States after he knew that the rebellion had been suppressed.

3. In the same note you state, on the authority of the report of the officer sent to muster the crew, that there were no persons known to be British subjects on board.

On the other hand, with the aid of the narrative and list of the crew herewith submitted, I trust it may be made to appear—

1. That the Sea King did depart from a British port armed with all the means she ever had occasion to use in the course of her cruise against the commerce of the United States; and that no inconsiderable portion of her hostile career was passed whilst she was still registered as a British vessel, with a British owner, on the official records of the kingdom.

2. That the commander had been made fully aware of the suppression of the rebellion the very day before he committed a series of outrages on innocent, industrious, and unarmed citizens of the United States in the sea of Okhotsk.

3. The list of the crew herewith submitted, with all the particulars attending the sources from which the persons were drawn, is believed to be so far substantially correct as to set at rest the pretence of the officer sent on board that there were no British subjects belonging to the vessel.

Deeming it to be of the utmost importance to the establishment of the precise relations of neutral powers towards belligerents in future emergencies that all the facts attending the share taken by her Britannic Majesty's subjects in the late war should be clearly placed before the world, I have ventured to take the liberty to ask of your lordship the privilege to consider these papers as intended to modify, so far as they may be fairly entitled to be regarded as doing so, the allegations of fact which appear in the notes to which they respectively refer.

I pray, &c.

CHARLES FRANCIS ADAMS.

The Right Hon. EARL OF CLARENDON, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, December 18, 1865.

SIR: I have the honor to enclose you copies of two affidavits: one of William A. Temple, a very intelligent seaman, who shipped on the Shenandoah (then called the Sea King) in London, and remained on her during the cruise, and was discharged from her after she came to this port; the other that of Margaret Marshall, the wife of David Marshall, of Liverpool, who went out from here in the steamer Laurel, and joined the Shenandoah near the island of Ma-

deira in the capacity of a fireman. David Marshall was also on the Shenandoah during the whole of her cruise. At the time of his enlisting they gave him what is known as a half-pay note, for the one-half part of his wages, payable to his wife at the office of Fraser, Trenholm & Co., in Liverpool. This note was sent to Mrs. Marshall by her husband; it was for 3*l.* 10*s.* per month. Her affidavit shows that this money was paid to her at the office of Fraser, Trenholm & Co., Liverpool, monthly, during the cruise of the vessel, up to the month of October, 1865. That the last payment was made to her on the 18th day of October last.

The affidavit of Temple covers the time of the whole cruise, and gives an account of some of the events that occurred, with a list of the officers and crew, and their nationalities. By it you will see that she had 26 officers, 33 petty officers, 54 seamen, 12 firemen, and 12 marines, making, in all, 137 persons on board. Of these 78 were British subjects, 26 foreigners belonging to other nations, and 33 Americans, divided as follows: Of the officers, 19 Americans and 7 British subjects; of the petty officers, 5 Americans, 23 British subjects, and 5 other foreigners; of the seamen, 9 Americans, 26 British subjects, and 19 other foreigners; of the 12 firemen, all British subjects; of the 12 marines, 10 British subjects and 2 foreigners of other nations.

Among other matters, the affidavit shows that the Sea King, when she sailed from London, had two 18-pounder guns mounted upon her decks, and that these were the principal guns used during the whole of her cruise; that the day before they reached the island of Madeira they painted over the name of Sea King wherever it appeared on the vessel or any of the boats or fixtures; that on her arrival at Melbourne she was received in the most cordial manner by the officials and people at that port, and every facility afforded to obtain supplies and make repairs: that the officers of the Shenandoah were entertained on shore, and in their turn entertained the officials of Melbourne on board the Shenandoah: that Captain Waddell entertained privately on the Shenandoah the governor of Melbourne; that the government engineer at Melbourne was on the vessel two or three times a day, and if he did not superintend the repairs that were being made, at least gave them the benefit of his advice; that at the time they left Melbourne they had more than forty persons stowed away on board the vessel, all of whom were enlisted and enrolled upon the ship's articles before they were out of sight of land; that the ship was coaled there by the English ship John Fraser, of Liverpool; that notwithstanding they received information of the surrender of Lee and the termination of the war as early as the month of June of this year, they still went on burning and destroying all vessels they fell in with sailing under the United States flag, and after receiving this information captured no less than nineteen vessels, all of which were either bonded or burned; that the flag generally used on the Shenandoah when speaking other vessels or decoying their victims was the English; that the men received their bounty-money when they enlisted and their wages afterwards in English gold; that the contract made with them was that they were to be paid in this money, and be discharged at an English port or placed on board of an English vessel after their several terms of enlistment had expired; that they were brought to the English port of Liverpool and entertained by Captain Whitehead, who sent off a boat-load of fresh provisions to them on the night of their arrival; that Jones & Co. on the following evening also sent off a boat-load of provisions, which the custom-house officers refused to permit to be taken on board; that the officers and crew were all discharged from the ship by Captain Paynter, of her Majesty's ship Donegal, the crew having been previously informed that on their names being called they must give their nationality as southerners; that the crew upon being landed at Liverpool were admitted into the Sailors' Home, and that they were paid there either the whole or part of the wages due them in money obtained at Liverpool.

I am informed that the Captain Whitehead who sent off the boat-load of provisions to the Shenandoah on the night of her arrival is a member of the firm of Whittaker, Whitehead & Co., Liverpool; and that the firm Jones & Co., who sent off the boat-load on the following evening, is the same firm that fitted out the pirate Georgia.

When you add to the facts disclosed in these affidavits those that were known before, that the vessel was built in Scotland; owned at the time she sailed upon her cruise by Richard Wright, an English merchant of Liverpool, in whose name she was registered in London, and who so late as October of this year stood there as her registered owner; that she was fitted out and sailed from London upon her cruise, was armed with English guns and wholly supplied from England, it seems to me that the character of this vessel as an English buccaneer is fully made out.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

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*Affidavit of William A. Temple.**

I, William A. Temple. of London, now residing in Liverpool, No. 108 St. James street, say I was born in Madras, and am a British subject. In October, 1864, I was in want of a ship, and stopping at Green's Sailors' Home in London, and I heard of the Sea King. I was

* The blanks in this statement were not filled up in the copy forwarded by Mr. Dudley.

called in the office by one of the officials. Captain Corbett of the Sea King steamer, afterwards called the Shenandoah, was there. I was asked for my discharge by Captain Corbett. I tendered him my papers; he told me he would ship me as an ordinary seaman; he told me he would give 35*s*. per month. This was on Wednesday. He told me to be down on the next Friday morning. I signed the articles of the Sea King for a voyage to Bombay, not to exceed two years, Captain Corbett giving me a note for one month's advance wages. I signed in the name of W. J. Jones, and I continued by that name, William John Jones, during all the cruise of the Shenandoah. I went down on Friday; was told she would not go out until next morning, and that I must be on board by four o'clock. I went at the time mentioned, and found her going out of dock. I got on board; she was in command of Captain Corbett. We proceeded down the river at half speed. At the time we left London we had two 18-pounder guns mounted on the decks. These were the guns we generally used while on our cruise in bringing vessels to. I found on board Lieutenant Whittle, who was afterwards first lieutenant; he was on her as a cabin passenger under the assumed name of McDonald. There were several parties on board; some of them left us at Deal. Richard Wright, a merchant of Liverpool, who owned the vessel at the time, was one of them. The captain was on very intimate terms with Lieutenant Whittle, treating him with every deference. I became steward to the steerage officers, and remained in this capacity after I enlisted on the Shenandoah until a month after we left Melbourne, and I then went on deck and did duty as an ordinary seaman We kept down the channel under easy sail and steam, and made the island of Madeira on the following Monday week. At the time we left London the name Sea King was on the stern of the vessel, on each bow, on all the boats, buckets, life-buoys, and other fixtures and furniture. The day before we reached the island of Madeira the name Sea King was either painted over or else scratched off. During that night we kept on and off. Next morning we ran into the harbor, signalled a small steamer lying there, which afterwards proved to be the Laurel. We went out of the harbor again; the steamer Laurel followed us. In two hours we reached a small island lying in an easterly direction from Madeira. The steamer Laurel anchored close into the shore, and we came alongside and dropped our anchor. She (the Laurel) soon came alongside and made fast to us. It was now for the first time that I learned what was up, and that she was going a privateering. The steamer Laurel was in command of Captain Ramsay, a British subject, who held a commission as first lieutenant in the confederate navy. The first mate, by name of Heasman, came to us and told us about it. He stated that the gentleman Whittle, who came with us, was to be first lieutenant, and told us that any of us who desired to join would get 4*l*. 10*s*. a month. As soon as the two vessels were fastened together they commenced transferring the guns, shot, shells, ammunition, clothing, &c., from the Laurel to the Sea King. We worked from about 2 o'clock that day until 3 o'clock next morning; during this time grog was served out to the men about every two hours. Captain Corbett. Lieutenant Whittle, and the officers and men of both ships, were busy engaged in making the transfer. After we finished we lay down and took a sleep and turned out again about nine o'clock. As soon as the men were out we were all called aft by the boatswain of the Sea King; the men from the Laurel were also called on board. As soon as we got aft Captain Corbett came out with the ship's articles in his hands, and made a speech to us something to this effect: Men of the Sea King, you signed these articles with me to go to Bombay or any intermediate port, and if the ship should be sold on the voyage, you were to sign clear of her. Some one said we did not hear anything about that in London; he replied, Here it is, and read it to them. He then went on to say that he had sold the ship, and that those who wished to join the ship could do so; that they would be paid, on their signing a paper clearing from the Sea King, two months' wages, whilst those who did not want to join her were to take their clothes and go on the steamer alongside, which would take them to Liverpool, where they would be paid two months' wages upon signing a similar paper. Some of the Men demanded that they should be paid immediately. Captain Waddell was standing close to Captain Corbett at the time, in full confederate uniform, and as soon as Captain Corbett had finished, stepped forward and took his place by the side of Captain Corbett, and said, Men, I am an officer in the confederate navy, authorized to take command of this ship. He offered to read his commission, but the men said, no, never mind. He then said, Any of you that feel inclined to serve under the confederate flag will get good wages and good treatment. I do not intend to fight; any one can see that this vessel was not made to fight; I intend to run away rather than fight, unless in a very urgent case. My orders are simply to destroy the federal commerce by burning and destroying all ships that I can find sailing under the federal flag. He said, as each vessel was taken they would be valued, and half of the value of each would be divided among the ship's company, and paid to them at the end of the war. Some one asked what bounty he would give; he replied, he would give £15 bounty, in gold; to able seamen he would give £7 per month, and those that were married could have their wages paid to their wives in Liverpool during the cruise. Notes were given to the married men for the half of their wages, payable in Liverpool at Messrs. Fraser, Trenholm & Co.'s office. These notes have been paid, as I have been informed, up to three weeks of our reaching Liverpool, in last month. He told the men as the wages were high, they would only sign for six months, at the end of which time he would land them in some British port, if it lay in his power; if he could not do this, he would endeavor to place them on board a British vessel bound for the United Kingdom. He expected to make up his crew

from the prizes he would take. He said her name was the Shenandoah, and that he was to command her. No confederate flag had up to this time been shown. The only flags used had been the English. Myself, Mr. Hutchinson, Mr. John Clark, and John Martin signed cleared of the Sea King, receiving each two months' wages from Captain Corbett, and then were sworn to the effect that we were to serve the Confederate States to the best of our ability, and never betray them; we signed this at the bottom. Efforts were made to get the other men to join; many from the Laurel did join; those who would not, returned to Liverpool, or started for there, in the Laurel. Mr. Smith, the purser of the Shenandoah, paid me the two months' wages for serving on the Sea King, also the bounty money for enlisting on her. It was about 12 o'clock when the Laurel left us; she steered towards Madeira, and we took a southwest course. On parting company with the Laurel we hoisted for the first time on the Shenandoah the confederate flag. It was up but for a few minutes; another vessel hove in sight, and we hoisted an English flag to her; she replied with the same flag. This was the 19th day of October, 1864, when we parted with the Laurel. Captain Corbett, and all the men who did not join the Shenandoah, went on the Laurel. We were ten or twelve days in stowing things away and mounting the guns. We had two guns mounted at the time we left London, each eighteen-pounder; we mounted four sixty-eight-pounders smooth bore shell guns, and two long thirty-two-pounder Whitworth rifle guns. These were all English guns. There were also rifles, revolvers, cutlasses, &c., in abundance. Each man at his quarters during our cruise was armed with a rifle, a cutlass, and a revolver. This was continued until the 3d of August last. There were but nineteen men, besides the officers, at the time we left the Laurel. All these men were British subjects. All the guns, small arms, and ammunition, as well as supplies, were from England; had been brought out either from London in the Sea King, or in the English steamer Laurel, from Liverpool. Our bounty money was paid us in English gold. Indeed, Captain Waddell told us at the time we joined that our wages would be paid us in English gold. We were paid, at least myself, £2 in English money, at Melbourne, and since my arrival at Liverpool I have been paid by Mr. Lewis Wiggins, who held the post of signal quartermaster on the Shenandoah, about one-half part of my wages. This payment was made at the Sailors' Home, Liverpool, on the 13th of November, (last month, 1865,) in English money. This last payment was made by Wiggins and Charles H. Morton, one of the seamen; they told us we need not be afraid, we would get the rest of it.

About the 29th day of October, 1864, we captured our first prize in the bark Alina, of Searsport, from Newport, bound to Bahia. When we got within signalling distance of her we hoisted the English flag. She replied by hoisting the American, and as soon as we got up near her, we fired a blank shot across her bows, and hoisted the confederate flag. She hove to, and an armed boat was sent to her. The vessel was condemned, and sunk. The captain and men were brought on board the Shenandoah, and all the men and officers, except the captain, were put in irons.

The next prize was the schooner Charter Oak. She was bound from Boston to San Francisco. She was condemned and burnt. The captain had his wife and wife's sister on board. They were brought to the Shenandoah. The captain had about two hundred dollars. This, Captain Waddell took from the captain, but gave it to his wife on leaving the Shenandoah. The captain of the Charter Oak represented that this was all he had in the world, now that his vessel was burnt. This vessel was loaded with furniture, provisions, preserved fruits, preserved vegetables, meats, &c. We took out sofas, furniture, preserved fruits, meats, &c., and transferred them to the Shenandoah; indeed, we almost unloaded her, and transferred her cargo to our vessel. We spoke a Danish brig, bound to Rio Janeiro; all the prisoners were placed on this vessel. Our captain made a bargain with the Danish captain to convey them there.

A week or ten days afterwards we took our third prize, the bark D. Godfrey, of Boston, and bound from that port to ———. We condemned and burnt her.

We then captured the schooner L. N. Stacey, of Boston, and from that port to Honolulu. She was condemned and burnt.

The next vessel we captured was the Kate Prince. She was a ship from Cardiff to Bahia. Her cargo proved to be neutral. She was ransomed, and all our prisoners transferred to her.

Our next prize was the bark Adelaide. She was condemned to be burnt; but while they were breaking up her cabin, a letter from her owners in Baltimore was discovered. It was brought on board, and the order to burn her was revoked, because she belonged to southern owners. She was released on giving a ransom bond for a small amount. She was under a Buenos Ayres flag.

The next prize was a brigantine, the Susan, from Newport to Rio Janeiro, loaded with coal. She was condemned and sunk.

The bark Edward was next captured west of the Cape of Good Hope. She was from Nantucket, and bound on a whaling voyage. We lay aside her for two days, transferring stores from her to our vessel. She was then condemned and burnt.

The next day we made the island of Tristan d'Acuna, where there is a British settlement. We landed all our prisoners there, to the number of about forty.

The next prize was east of the Cape. It was the bark Delphine; she belonged to Ports-

mouth, New Hampshire; was in ballast. She was condemned and burnt. The captain had his wife with him. She and the rest were transferred to the Shenandoah.

From this time until we arrived in Melbourne, on the 26th of January, we took no more prizes. We were well received by all the authorities and people at Melbourne. All the officials and most of the leading inhabitants of the place visited the Shenandoah, and were very warm in their congratulations and well-wishes to us. The governor of Melbourne visited captain Waddell, and was privately entertained by Captain Waddell, on board the Shenandoah. There were 8,000 visitors came on board to see us, in one day. All the government officials were on board to see us, and most of them were entertained on board, either by the captain or his officers. The government officials in Melbourne gave an elegant entertainment to Captain Waddell and his officers during his stay there; it was given at their club-room in Melbourne. Every facility was afforded to us, both by the officials and people of Melbourne, to make our repairs and to procure our supplies; indeed, everything we wanted. One very warm friend was a man by the name of ———, formerly the United States consul there.

A dinner was given to the officers of the Shenandoah, at a place called Ballarat, in the country. Mr. Smith, Mr. Grimball, Mr. Scales, Mr. Mason, Dr. Lenning, and Mr. Brown went. They were received at the station by some two thousand people, who cheered them as they passed.

The English government engineer was on board our ship while we were undergoing our repairs three or four times a day, and certainly assisted them with his opinions and advice, if he did not superintend our repairs.

We left Melbourne on the 18th day of February. When we left we had from fifty to sixty persons on board as stowaways; among them was Captain Robert Blackar, who commanded the English steamer Saxonia. It was known to the officers on board at the time we sailed that most of these men were on board. All these persons so stowed away on board were British subjects, and were enlisted or enrolled upon the ship's books as officers or men within twelve hours from the time we left our anchorage, and while we were within sight of land. Their names are mentioned in the list annexed hereto, and comprise all those set down in said list as shipping at Melbourne.

Before we left Melbourne we were coaled by the ship John Fraser, from Liverpool, which I have since learned was sent out with coal expressly for us. It was some six weeks after we left Melbourne before we took another prize, during which time we were organizing a company of marines and drilling the crew.

About the 2d of March we spoke the schooner Honolulu, under the Honolulu flag; the captain of the schooner told us there were six American whalers anchored in the harbor of the island of Ascension. We made all haste, steered directly to this island, and entered the harbor two days after. We found there four vessels, all whalers: the ship Hector, of New Bedford; ship Edward Carey, of San Francisco; the bark Pearl, of New London; and the bark Harvest, of Honolulu. This last vessel was from Honolulu, under the Honolulu flag, and in command of a citizen of Honolulu. These vessels were all lying at anchor in the harbor. The Honolulu bark was brought alongside, and all her supplies were removed to the Shenandoah; her captain was brought on board and placed in double irons, and kept in this condition for three or four days. The captains of the three American vessels were visiting the missionary on the other side of the island at the time we arrived, but most of them returned in time to see their vessels burned. We took possession of all the vessels, the three that were under the American flag as well as the one under the Honolulu flag. Within an hour after we arrived we took possession, and the savages of the island were told they might go and plunder the vessels and take whatever they desired. They took the boats belonging to the vessels, sails, furniture, supplies, &c. They almost stripped the vessels. We fired and burned the Pearl on the day we arrived; the next Monday, the 6th of March, we gave the Edward Carey and the Hector to the flames; the Honolulu bark was burned about two days after. The vessels were all in the harbor at the time they were burned. The crews from all these vessels were turned on shore among the savages as soon as we took possession. All the captains upon their return, which was not until after we had seized their vessels, with their officers, were brought on board the Shenandoah, placed in irons, and kept there until we were ready to sail, when they were paroled and sent to the shore with their men among the savages. We left them there. The King of the island came on board while we were there. Waddell and his officers received him in full uniform, wearing their swords. He was brought aboard in the ship's gig, and entertained by the captain in his cabin, and shown round the ship.

We left the island of Ascension about the 14th day of March last, and cruised for about a month off the coast of Japan, hoping to fall in with some of the United States traders with that country.

The last part of May we entered the Okhotsk sea; we there captured the whaling bark Abigail, of New Bedford. We lay alongside two days transferring the spirits, potatoes, and supplies from her to our vessel. There were on the vessel some twenty or thirty silk dresses which the captain and officers had purchased in Japan, and a quantity of fancy Japan work-boxes and fancy articles. All these were taken by the officers and men of our ship. The vessel was then burned. A part of the time we were lying by her our crew had reached the

liquors, and were in a frightful state of intoxication. The second mate of this vessel, F. Manning, an American belonging to Baltimore, on coming on board, told our captain that he was well acquainted with the seas in the neighborhood, and would pilot the vessel Shenandoah to a place where we would find fourteen or fifteen United States whaling vessels together. He was placed upon the articles as ship's corporal, and gave the information to the captain. We afterwards, under his piloting, found eleven American vessels all together, nine of which were burnt as hereafter mentioned. Manning was at once, for this service, rewarded by being made a master's mate. He is now in London. After cruising for more than a week we made for Behring's straits.

In the month of ——— we sighted two vessels within about nine miles from the land; they proved to be the ship William Thompson and ship Euphrates, both from New Bedford. They were both burned. While they were burning, another ship hove in sight; we gave chase under the Russian flag; she proved to be the English bark Robert Downs, of Sydney. We gave them our name as the Russian ship of war Prince Petropaulovski, bound on a cruise; she saluted us, and we parted.

In two or three days, near the entrance of Behring's straits, we sighted three more vessels; they proved to be the ship Milo, the bark Sophia Thornton, and bark Jerry Swift; they were all captured. The Milo was bonded on condition of her receiving the crews of the others and the prisoners we had on board; the others were burned. This was in the month of June. The next vessel we took was the brigantine Susan Abigail, of San Francisco; she was twenty-eight days from San Francisco, and bound on a general trading voyage in the Arctic sea. She had many fancy articles on board, but we took nothing from her, but burned her immediately, as the captain and crew had told us that General Lee had surrendered and the war was over. It was on the —— day of June last when we captured and burned this vessel. This was the first news we had that the war was over. This news depressed us. On the following night, about 12 o'clock, we took three other vessels: the bark J. C. Nye, of San Francisco; bark Nimrod, of New Bedford; and bark Catherine, of New Bedford, all whalers. These three last vessels were captured and burned on the night of ———.

The next vessels taken were the bark Isabella, of New Bedford; the bark General Pike, of New Bedford; and the bark Gypsie, of New Bedford. They were captured on the ———.

The General Pike was ransomed; the Isabella and a bark called the Gypsie, of New Bedford, were burned. The Isabella was brought alongside the Shenandoah, and her stores taken out and placed on our vessel before she was burned. The crews from these vessels were all placed on the General Pike. Another vessel was in sight, but the captains from the prize vessels told us she had the small-pox on board, and we let her pass, although she showed the American flag.

Early in the morning of ——— ———, the weather being foggy, we were very nearly being run into by the bark Waverley, of New Bedford. We took her and burned her. On the same day the fog cleared off, and we saw several vessels anchored in a bay or roadstead; they were about eight or twelve miles from land. Most were at anchor; some were with their sails furled up; there were eleven all together. We were at this time under the pilotage of Mr. Manning. It was through him that we had reached this point. They all hoisted the American flag. On our nearing them we too hoisted the American flag. The first vessel proved to be the bark Martha, of New Bedford; she was under canvas, and was just going to anchor; she was boarded by us and taken possession of. We then came up to a lot of them: they were the bark Congress, of New Bedford; bark Nassau, of New Bedford; bark Corington, of New Bedford; the ship James Murray, of New Bedford; the ship Brunswick, of New Bedford; ship Hilman, of New Bedford; the bark Nile, of New Bedford; the ship Isaac Howland, of Warren, Rhode Island; and the bark Favorite, of Fair Haven. This last vessel, on our boat going to board her, made resistance. Her captain pointed a bomb gun at us, and threatened to fire at us if we approached his ship. All his crew were armed with handspikes. At this time nearly all the vessels above mentioned were in our possession, and several of them were in flames, and the United States flag was still flying at our gaff or mizzen-peak; we had not had any other up to this time flying. On receiving this hostile reception we returned to the Shenandoah, and informed the lieutenant what had happened. He hauled down the United States flag and hoisted the confederate flag on the Shenandoah, and approached with his vessel to within speaking distance, hailed the captain, and told him that every person must leave her within five minutes, or he would fire into and sink them. Captain Waddell ordered one of the Whitworth guns to be loaded, and repeated the order to point the gun to hit that ship. Before the five minutes had expired all the crew had left her in their boats; the captain refused to do so, and remained on board. First Lieutenant Whittle, on seeing that the crew had left the ship, hailed the bark again, and told the captain to haul down his flag. The captain replied that he would not. The first lieutenant then ordered our boat to be hauled up, and in great excitement snatched a loaded rifle from one of the marines, jumped into the boat, and told us to give way and pull with all our might. On approaching the vessel Lieutenant Whittle pointed the rifle at him, and told him if he did not within five minutes go and stand in the port gangway, leaving his arms on the poop, he would shoot him dead on the deck where he stood. The captain appeared to be intoxicated. We went round and boarded the vessel, took possession, and burned her.

We bonded the two ships James Murray and Brunswick, and burned all the rest. The crews from the burnt vessels were placed on the Murray and Brunswick.

After firing these vessels, we steered to the northward for a day and a night, but meeting with heavy sea we turned about and steered for the south. Manning protested against our turning about, saying in a few more days he could find as many more vessels as we had already taken.

Three or four days after, about the ———, we spoke a Honolulu brig; hailed and asked her what news she had. He replied that General Lee had surrendered, and the northern President had been assassinated.

After this, on the 6th day of July, we left Behring straits for the Pacific ocean. When in the latitude of San Francisco, on the 2d of August, 1865, we spoke the bark Barracouta, of Liverpool, from San Francisco to Swansea, fourteen days out. We sent a boat on board, and he told us that the war was over, confirming the news we had heard before.

On the following day all hands were called aft, and Captain Waddell told them it was indeed true that the South had been suppressed, and the war over. He told the men all they had to do was to obey him; that he intended to take them to a British port, and that however much trouble they might be put to, he and his officers would be in a much worse condition; but that if they would stand by him he would stand by them. He alluded to a letter which had been sent aft by the crew, requesting him to go into a British port. He told them he would go into a British port. Some wanted to go to Australia; but they all seemed well content with his ultimate decision to come to Liverpool.

We rounded the Horn on the 13th September and made direct for Liverpool. When in latitude of the Cape of Good Hope the officers called a meeting, and signed a petition requesting the captain to run in and land them at Cape Town. Captain Waddell refused to accede to this.

The next day Lieutenant Whittle waited on the captain, at the request of the officers, and renewed the matter. The captain still refused.

On the following day the men held a meeting, and signed a petition to the effect that they were willing to go wherever the captain took them. He then continued on his course for Liverpool, where we arrived on the 6th November, 1865.

Our general practice while cruising was, when we captured a vessel, to bring the men and officers to the Shenandoah and put them in irons. In some cases the officers were not put in irons. In approaching vessels our general practice was to hoist the English flag. This was done in most cases when we captured a prize or spoke a vessel. In a few instances we hoisted the Russian and American flags; but the English flag was the one we generally used.

The only inducement held out for men from vessels captured to join our ship was this: After they were put in irons the officers would approach them and say: Now you are in irons, and will probably be kept there for a month, and you are earning nothing; now, if you will join us you will be set at liberty, treated well, and earn good wages; you had therefore better consent and do it. Many agreed to do this.

F. Manning, the mate from the Abigail, was not put in irons at all. He became an active man among us as soon as he got on board, and volunteered his services to conduct us to the whaling fleet, and was thanked and complimented by the captain, and promoted for his services.

When we captured a vessel we always took all the money, jewelry, chronometers, and other valuables that were in the ship, and all the money and jewelry that the captain and officers had in their pockets or about them, except their watches and what they were wearing. In one or two instances their watches were taken from them by our men. Complaint was made by the captains of this to our officers, but they never got any redress.

After a vessel was condemned, and we had taken everything we wanted from her, we would proceed to break up her cabins and furniture with our axes, and then set her on fire. That is the way we did whenever we burned them. There were two cases where we sunk them.

A day or two before we arrived at Liverpool, Captain Waddell had all the men called aft. He commenced to address them, and said when the ship first started she had $22,000 on board of her. Out of that he took $18,000 to defray the expenses in Melbourne; consequently, when he came to consider the large amount that was due to each one of us, the small amount of money left would go but a little way among us; but what there was should be equally divided among the officers and men, and on our arrival in Liverpool he would endeavor to see where the rest of our money was to come from. He said he had no doubt but that among the southern population of Liverpool, who had been so interested and concerned in the war, there would be some who would be willing to contribute to pay us, who had done so much. He then went on to say what satisfaction the good conduct of the crew during the cruise had given him, and he only hoped up to the last moment of their stopping in the ship they would behave in the same orderly manner. He added, "You have gained a name by serving in this vessel that will never be forgotten. Your acts will be talked of all over Europe." He said that when he got on shore it would be very annoying to him to have the men following him about Liverpool to the offices; he would therefore appoint Lewis Wiggins and James Brossman, to whom he would communicate, and who would com-

municate his wishes to the men. He promised to give us each a certificate of the exact amount due us.

The day before we arrived in Liverpool we were paid the money that was promised on the ship—that is, the cash in hand was divided. My share was £5, which was paid me in English gold. A part of the crew were paid partly in English and partly in American coin.

We came on shore at Liverpool on Wednesday evening, the 8th of November, 1865. We heard nothing more about the payment until the following Friday. I had gone to and was stopping at the Sailors' Home, in Liverpool. A majority of the men from the Shenandoah were stopping at the Sailors' Home, in Liverpool. No objection was made to our stopping in the Sailors' Home, in Liverpool. They admitted all who applied, but would not take the name of our ship. They put us down under the name of another vessel.

On Friday Wiggins, who was stopping at the Sailors' Home with us, came and collected all the certificates that had been given us before we left the Shenandoah, showing the amount due to us, telling us that he would most likely pay us the following day.

About ten o'clock on Saturday, the 11th of November, 1865, he commenced to pay off the crew upstairs in his own room at the Sailors' Home. Morton acted as clerk. He called them in one by one, and commenced paying them in full in English gold. He paid off about one-half of the crew in full. The following day I went down to the Home and asked him to give me a few shillings, as I had not been paid, and he then told me there would not be enough money to go round and pay all.

The next morning he commenced paying the crew one-half their wages, and retaining their certificates. There was due me £49 14s. I got only £22. This was paid me in English gold. That same evening Wiggins went to London in disguise. Morton took a second class ticket to Bristol.

On Friday, the 17th November, I went to the Waterloo Hotel, and there saw Captain Waddell. He took me up to his room. I asked him what prospect there was of our being paid. He told me he had given Wiggins enough money to pay all the men all that was due them, and he had no doubt but that Wiggins was acting for the best. This is the last time I have seen him; but several of the crew have seen him subsequently.

We arrived at Liverpool on the afternoon of the 6th of November, as above stated, and anchored in the river Mersey, near her Majesty's ship Donegal. We came up with the confederate flag flying.

Just as we anchored a lieutenant from the Donegal came on board. After conversing with Captain Waddell he left, and soon after Captain Paynter, of the Donegal, came. He remained about an hour, and as he passed over the side of the ship said he would telegraph Earl Russell and let Captain Waddell know the answer as soon as he got it. That night a company of marines, with two officers, from the Donegal, came on board and took possession of the vessel. These men from the Donegal would not permit any of the officers or men to leave the vessel. That night Captain Whitehead, of Liverpool, sent off to the ship two barrels of ale, one of porter, a lot of fresh beef, fresh mutton, a large supply of vegetables, eggs, and cheese, enough for all hands, and two or three tubs of butter, with plenty of fresh bread. This was received on the vessel, and all hands partook of it. The next night Jones & Co. (or Jones, Highat & Co.) sent us off a boat load of provisions, &c.; but the custom-house officers would not permit it to come on board. Captain Paynter visited the ship frequently. On the morning of the day we were released he came, and as he was going he said, "Men, you need not be impatient; you will soon be released; probably this evening. I am doing all in my power to obtain it for you. As soon as the formalities are got through with, and I receive the proper instructions, I will do it." That evening, the 8th of November, he came on board in a tug-boat. As he came on board he said, "I have come to release you, my men." He was cheered by the men. He went immediately aft. The men were all mustered. While we were mustering and making preparations to go aft, Captain Waddell sent some of the marines among the men to tell them they were all to be southerners when their names were called. I was myself told this by a marine by the name of John Ivors, who told me that the captain had sent him to tell all the crew. On being mustered aft in the presence of Captain Paynter and Lieutenant Whittle, in consequence of this information, we all stated that we were southerners when our names were called out. The mode was this: We were all mustered one side of the vessel. Lieutenant Whittle called our names and number, and as each man was called he passed in front of Captain Paynter, who addressed to each, "What countryman are you?" All the Englishmen, Scotch, or Irish answered that they were southerners. The other foreigners answered according to their nation. As soon as this was done we were told to get into the steamer as quick as possible, which we did, and were then landed at Liverpool. No parole was asked or taken from any of us. We were told we were at liberty. Mr. Lynch, the carpenter, married an English woman some time before our cruise commenced, and was living before, and is now living, in Liverpool. On Thursday or Friday after we were landed, James Baines, a merchant of Liverpool, sent for all the officers of the Shenandoah to come to his office.

The annexed list contains the names of all the officers, petty officers, and men of the Shenandoah after we left Melbourne up to the time we arrived in Liverpool. There were

some men who left the ship at Melbourne, whose names I do not know. With two or three exceptions, the men and officers in the list are those that were landed at Liverpool. The list gives the nationality of each person, when he enlisted, and when he left the vessel.

WILLIAM A. TEMPLE.

Sworn and subscribed to before me this 6th day of December, 1865, at Liverpool, in the county of Lancaster, in England.

Before me—

JAS. THORNELY, *Notary Public, Liverpool.*

List of the officers and men of the Shenandoah, referred to in the preceding affidavit.

OFFICERS.

James J. Waddell, commander; an American; came out in the steamer Laurel from Liverpool.

William C. Whittle, first lieutenant; an American; joined the Sea King at London.

John Grimball, second lieutenant; an American; came out in steamer Laurel from Liverpool.

Sydney Smith Lee, third lieutenant; an American; came out in steamer Laurel from Liverpool.

Frederick Chen, fourth lieutenant; an American; came out in steamer Laurel from Liverpool.

Dabney N. Scales, fifth lieutenant; an American; came out in steamer Laurel from Liverpool.

Charles Edward Lining, first surgeon; an American; came out in steamer Laurel from Liverpool.

Frederick McUlty, second surgeon; an American; came out in steamer Laurel from Liverpool.

Matthew O'Brien, first or chief engineer; an American; came out in steamer Laurel from Liverpool; was in the Alabama.

Charles Codd, first assistant engineer; an American; came out in the steamer Laurel from Liverpool; was in the Rappahannock.

John Hutchinson, second assistant engineer; a Scotchman; came out in and joined from the Sea King.

Francis McGuffney, third assistant engineer; an Irishman; came out in steamer Laurel from Liverpool; was in the Sumter and Alabama under the name of Curren.

Irvine S. Bullock, sailing master; came out in steamer Laurel from Liverpool; was in the Alabama. Is brother to J. D. Bullock.

John Blackar, an Irishman; captain in the English merchant service; joined at Melbourne as captain's clerk.

Orris A. Browne, a passed midshipman; an American; came out in the steamer Laurel from Liverpool

John J. Mason, a passed midshipman; an American; came out in steamer Laurel from Liverpool.

Cornelius Hunt, master's mate; an American; came out in the steamer Laurel from Liverpool; was on the Georgia and Rappahannock.

F. C. Minor, master's mate; an American; came out in the steamer Laurel from Liverpool; was in the Alabama and Sumter.

Lodge Colton, master's mate; an American; came out in the steamer Laurel from Liverpool; was in the Rappahannock.

H. Manning, master's mate; an American; joined us from the bark Abigail; was second mate on her.

W. B. Smith, purser; an American; came out in the steamer Laurel from Liverpool; was captain's clerk on Alabama.

George Howard, boatswain; an Englishman; belongs to the royal navy of England, or had served in it; came out in steamer Laurel from Liverpool; has been in the Alabama.

Peter Guy, gunner; an Englishman; has been in the royal navy of England; came out in the steamer Laurel from Liverpool.

John Lynch, carpenter; an American, from New York, but married to an English woman residing in Liverpool; came out in steamer Laurel from Liverpool.

John O'Shey, carpenter, but resigned at Melbourne; came out in Laurel from Liverpool; was an Irishman by birth.

A. Alcott, sail-maker; an Englishman; came out in steamer Laurel from Liverpool; was on the Alabama.

PETTY OFFICERS.

Michael Moran, an Irishman; first captain of forecastle; came out in the steamer Laurel from Liverpool.

William Warren, an Englishman; second captain of forecastle; came out in the steamer Laurel from Liverpool.

Louis Rowe, a Frenchman; captain of main-top; joined us from bark Alina.

Robbert Dunning, an Englishman; captain of fore-top; joined us at Melbourne.

Thomas Strong, an American; captain of mizzen-top; joined us at Melbourne.

Charles Cobbey, an Englishman; gunner's mate; joined us at Melbourne.

James Bronnan, an Englishman; chief boatswain's mate; came out in steamer Laurel from Liverpool; was on the Alabama.

Thomas Hall, an Englishman; quartermaster; came out in steamer Laurel from Liverpool.

John James, an Englishman; carpenter's mate; joined us at Melbourne.

John Spring, an Englishman; captain of the hold; joined us at Melbourne.

William Crawford, an Englishman; gunner's mate; came out in the steamer Laurel from Liverpool; was on the Alabama.

Lewis Wiggins, a Russian; signal quartermaster; came out in the steamer Laurel from Liverpool.

Ernest W. Burt, an Englishman; doctor's steward; joined us at Melbourne.

James A. Exshaw, an Irishman; purser's steward; joined us at Melbourne.

Peter Ramond, a Frenchman; captain of fore-top; joined us from bark Alina.

William West, an Englishman; captain of main-top; belongs to royal naval reserve; joined us from bark D. Godfrey.

John Griffiths, an Englishman; captain mizzen-top; came out in the steamer Laurel from Liverpool.

Henry Fox, or Henry Yates, an Englishman; gunner's mate; came out in the steamer Laurel from Liverpool; was on the Alabama.

John Davy, an Englishman; boatswain's mate; joined us from bark D. Godfrey.

John W. Jones, a Welshman; quartermaster; came out in the steamer Laurel from Liverpool.

Jacob Hanson, a Dane; quartermaster; joined us from the bark L. M. Stacy.

Francis Tuft, an Englishman; cooper; joined us from the Edward.

Franklin Gloon, (his right name is ——— ———,) sail-maker's mate; an American; joined us at Melbourne.

Charles McLaren, a Scotchman; master-at-arms; joined us at Melbourne.

James Marlow, an Englishman; wardroom cook; came out in the Laurel from Liverpool.

Charles Hopkins, a negro, Baltimore; wardroom cook; joined us from schooner L. M. Stacy

William Smith, an Englishman; ship's cook; joined us at Melbourne.

John Williams, a negro; ship's cook; joined us from bark D. Godfrey; left us at Melbourne.

William Bruce, a Malay; wardroom steward; joined us from bark Alina; left us at Melbourne.

David Alexander, a Scotchman; corporal of marines; joined us at Melbourne.

William Park, an American; corporal of marines; joined us from ship Hector.

William Fenner, an English boy; captain's steward; came out in the Laurel from Liverpool.

H. C. Canning, an Englishman; joined us at Melbourne; died October 29, 1865.

SEAMEN.

John Collins, an American; joined us at Melbourne.
Thomas Foran, an Irishman; joined us at Melbourne.
Lawrence Kerney, an Irishman; joined us at Melbourne.
John McDonal, a Scotchman; joined us at Melbourne.
John Ramsdale, an Englishman; joined us at Melbourne.
John Kilgower, a Scotchman; joined us at Melbourne.
Thomas Swanton, an Englishman; joined us at Melbourne.
James Welch, an American; joined us from bark Pearl.
John Morris, a Portuguese; joined us from ship Hector.
George Adeias, a Portuguese; joined us from ship Hector.
Walter Way, an Englishman; joined us from the Susan.
John Hawthorn, an Irishman; joined us from ship General Williams.
Alfred Seaman, a Prussian; joined us from ship S. Abigail.
Charles Graft, a German; joined us from ship S. Abigail.

Antonio Delombas, a Portuguese; joined us from ship Hector.
John Blacking, a Dane; joined us from bark D. Godfrey.
John Moss, an Irishman; joined us at Melbourne.
William Simpson, an Englishman; came out in the Laurel from Liverpool; was on the Alabama.
Joachim Roderichs, a Portuguese; joined us from ship Hector.
George Flood, an American; joined from bark D. Godfrey.
James Fegan, an Irishman; joined us at Melbourne.
Samuel Crooks, an Englishman; joined us at Melbourne.
John Simmes, an Englishman; joined us at Melbourne.
John Hill, an Irishman; joined us at Melbourne.
William Hutchinson, an Englishman; joined us at Melbourne.
Thomas Evans, a Welshman; joined us at Melbourne.
Charles H. Morton, an American; joined us at Melbourne.
George H. Gifford, an American; joined us at Melbourne.
John Kelly, an Irishman; joined us from brigantine Susan Abigail.
John Dowden, an American; was mate on the Abigail, and joined us as seaman.
Julius Colar, an American; joined us from the ship General Williams.
Alexander Pattison, a Scotchman; joined us from the Susan Abigail.
John Hilcox, an Englishman; joined us from the General Williams.
Henry Canning, an Englishman; joined us at Melbourne.
Joseph Steveson, a negro; joined us from the Pearl.
John Vanarery, a Canadian; joined us from the Gypsey.
Michael Rose, called Reed; an Englishman; came out in the Laurel from Liverpool; was in the Alabama.
William Bill, from Sandwich Islands; joined us from Abigail; died 26th October, 1865.
Henry Givens, from Sandwich Islands; joined us from Abigail.
John Mahoe, from Sandwich Islands; joined us from Abigail.
Joseph Long, from Sandwich Islands; joined us from Abigail.
James California, from Sandwich Islands; joined us from Abigail.
James French, from Sandwich Islands; joined us from Abigail.
John Sailer, from Sandwich Islands; joined us from Abigail.
William Brown, from Sandwich Islands; joined us from Abigail.
Joseph Kanaca, from Sandwich Islands; joined us from Abigail.
John Boy, from Sandwich Islands; joined us from Abigail.
Edward Wicks, a negro; joined us from the Waverley.
W. J. Jones, an Englishman; came out in Sea King.
James Ross, a Canadian; joined us at Melbourne.
John Williams, an English boy; joined us at Melbourne.
James Oar, an English boy; came out in Laurel from Liverpool.
Robert Rosell, a Spanish boy: joined us from the Hector.
Duke Simmons, a Malay; joined us at Melbourne.

FIREMEN.

John Martin, an Englishman; engine storekeeper; came out in the Sea King
David Marshall, an Englishman; first-class fireman; came out in the Laurel.
Thomas McLean, a Scotchman; first-class fireman; joined us at Melbourne.
William Brice, a Scotchman; joined us at Melbourne.
William Green, an Englishman; joined us at Melbourne.
William Rawlinson, an Englishman; came out in the Laurel from Liverpool.
William Clark, an Englishman; came out in the Sea King from London.
William Burgess, an Englishman; joined us at Melbourne.
Joseph Mullineux, an Englishman; joined us at Melbourne.
Henry Sutherland, a Scotchman; joined us at Melbourne.
James Carr, an Englishman; joined us from the ship J. C. Nye.
James Stranth, a Scotchman; joined us at Melbourne.

MARINES.

Henry Reiley, a Canadian; joined us at Melbourne.
William Kenyon, an Irishman; joined us at Melbourne.
Robert Brown, an Englishman; joined us at Melbourne.
John Murray, an Irishman; joined us from the bark Abigail.
Emanuel Silver, Portuguese; joined us from the bark Abigail.
William Burnet, a Prussian; joined us from the bark Abigail.
Thomas Barry, an Englishman; joined us from the brigantine Susan Abigail.
Thomas Floyd, an Irishman; joined us from bark Favorite.

John Ivors, an Irishman; joined us from bark Favorite.
Thomas Poulson, an Englishman; joined us from bark Favorite.
James Clury, an Englishman; joined us from bark Favorite.
John Grimes, an Irishman; joined us from bark Favorite.

WILLIAM A. TEMPLE.
JAMES THORNELY,
Notary Public, Liverpool.

Affidavit of Margaret Marshall.

I, Margaret Marshall, of No. 29 Benseidi street, Liverpool, say I am the wife of David Marshall. My husband was one of the firemen on the steamer Shenandoah, late in command of Captain Waddell. He went out from Liverpool in the Laurel and joined the Shenandoah at the island of Deserta, near Madeira, and remained on her during the whole cruise, and left her only after her arrival at Liverpool last month. His wages were £7 per month. They gave him a half-pay note for me; it was sent to me by my husband from Madeira. It was for £3 10*s.* per month, made payable to me. It was payable at the office of Fraser, Trenholm & Co., Liverpool, No. 10 Rumford place. It was paid regularly every month while he was gone, up to the 18th day of October last, on which day the last payment was made to me—I mean October 18, 1865. Mr. Robinson was the cashier in the office of Fraser, Trenholm & Co., who made some payments to me. The payments were made to me in person. They took my half pay note from me at the office and now have it.

MARGARET MARSHALL.

Sworn and subscribed to before me this 11th day of December, 1865.

JAMES THORNELY,
Notary Public, Liverpool.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *December* 30, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, enclosing further papers respecting the case of the Shenandoah, and to state to you that they shall receive due attention.

I am, &c.,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1647.] DEPARTMENT OF STATE,
Washington, January 6, 1866.

SIR: At the request of the Secretary of the Treasury I transmit for your information, and for such use as you may deem proper, copies of the monthly statement of the public debt of the United States.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, ESQ., *&c., &c., &c.*

(Same, *mutatis mutandis*, to all U. S. ministers.)

Statement of the public debt of the United States on the 1st of January, 1866.

Character of issue.	When redeemable or payable.	Amount.	Total.
DEBT BEARING COIN INTEREST.			
6 per cent. bonds	December 31, 1867, and July 1, 1868	$18,323,591 80	
5 per cent. bonds	January 1, 1874	20,000,000 00	
5 per cent. bonds	January 1, 1871	7,022,000 00	
6 per cent. bonds	December 31, 1880, and June 30, 1881	282,645,800 00	
6 per cent. 5-20 bonds	May 1, 1867, or May 1, 1882	514,780,500 00	
6 per cent. 5-20 bonds	Nov. 1, 1869, or Nov. 1, 1884	100,000,000 00	
6 per cent. 5-20 bonds	Nov. 1, 1870, or Nov. 1, 1885	50,590,300 00	
5 per cent. 10-40 bonds	March 1, 1874, or March 1, 1904	172,770,100 00	
6 per cent. bonds, Oregon war	July 1, 1881	1,016,000 00	$1,167,148,291 80
DEBT BEARING CURRENCY INTEREST.			
6 per cent. bonds, U. P. R. R. Co	November 1, 1895	640,000 00	
6 per cent. bonds, C. P. R. R. Co	January 16, 1895	2,362,000 00	
4, 5, and 6 per cent. temporary loan	Ten days' notice after thirty days	97,257,194 50	
Certificates of indebtedness	One year from date	60,667,000 00	
1 and 2 year 5 per cent. notes	One and two years from date	8,536,900 00	
3 year compound-interest notes	Three years from date	180,012,141 00	
3 year 7-30 treasury notes	Three years from date	830,000,000 00	1,179,475 235 50
MATURED DEBT NOT PRESENTED FOR PAYMENT.			
Texas indemnity bonds		726,000 00	
3 year 7-30 treasury notes		240,000 00	
Bonds		81,268 68	
Treasury notes		1,200 00	
Temporary loan, (coin)		118,411 64	1,166,880 32
DEBT BEARING NO INTEREST.			
U. S. notes		426,231,389 75	
Fractional currency		26,000,420 62	
Gold certificates of deposit		7,288,140 00	459,519,950 37
Total debt			2,807,310,357 99
Amount in treasury, coin		45,735,550 69	
Amount in treasury, currency		44,993,271 11	90,728,821 80
Amount of debt, less cash in treasury			2,716,581,536 19

The foregoing is a correct statement of the public debt, as appears from the books and Treasurer's returns in the department, on the 1st January, 1866.

HUGH McCULLOCH,
Secretary of the Treasury.

Mr. Adams to Mr. Seward.

No. 1131.] LEGATION OF THE UNITED STATES,
London, January 11, 1866.

SIR: I have to acknowledge the reception of despatch from the department numbered 1635, dated 23d December of last year.

There is little or nothing deserving of notice in the events of the last week.

Some little excitement has been occasioned in commercial circles by the appearance of a leader in the Times attributing the singular fluctuations in the financial condition of this country to the sudden expansion of the export trade to the United States, which was assumed to be all of it based on long credits rather than on any exchange of positive values. This new demonstration might have been less noticed had it not been marked by a revival of the malignant spirit which animated the direction of that paper throughout the war. The value of all discussions upon abstract questions of currency and exchange, depends so much upon the entire absence of feeling or imagination, that it is a

cause of surprise to find the subject rarely treated in that paper in connection with the United States without the manifestation of ill temper enough to destroy the force of its arguments. Had the statements made of the facts been true, to the extent alleged, it is not impossible that a panic might have ensued, well adapted to aggravate the difficulties in the money market here instead of alleviating them. As it is, the effect was, for the moment, to depress the price of the American securities, until buyers made their appearance on orders from Germany. And further, it has led to remonstrance and correction from so many influential quarters, that to-day the Times has been compelled to relieve itself, by trying to shift its position. It is now the probable adoption of a prohibitory tariff in the United States which is going, in spite of themselves, to save English traders from madly rushing to their own ruin. The likelihood of such a policy, in the face of the absolute necessities of the treasury to command a supply of gold for the payment of the interest on the public debt, might seem to be worth considering before assuming this new position. It is difficult to comprehend how a newspaper, no matter how strongly intrenched within the prejudices of a community, can venture to hazard such reckless representations on questions of material importance to large domestic interests, without materially undermining its authority. This has been a problem for constant study with me, during my term of residence here, without as yet an arrival at any satisfactory solution. For the rest, I am not sure that this policy, so far as it will check the extension of credits to America, may not be really most beneficial to it. For it will diminish the tendency to an unfavorable rate of exchange, and thus prevent the interposition of another block in the way to the great and most desirable of all objects—a resumption of a stable basis for the domestic currency.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1132.] LEGATION OF THE UNITED STATES,
London, January 18, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1626 to 1644 inclusive, together with four printed copies of a paper announcing the adoption of the amendment to the Constitution abolishing slavery throughout the Union.

Matters remain very quiet here. As the time approaches for the opening of the new Parliament, I find that doubts increase as to the ability of the ministry to sustain itself upon the reform bill. The selection of Mr. Goschen to fill the vacancy in the cabinet, though admitted to be in itself unexceptionable, produces more or less uneasiness among rival aspirants in the less advanced ranks of the party. What is most feared is, that sort of half-heartedness, which really betrays the cause it professes to befriend. The apparent state of indifference among the constituencies is not ill calculated to encourage this tendency among members whose real feeling is adverse to any movement at all.

I learn from several sources that the uneasiness and discontent in Ireland are not thought to have been diminished by the conviction and sentence of the offenders who have been brought to trial. The Fenian organization is affirmed to be spreading in every direction, carrying with it many of the more intelligent class of the tenantry, and even compelling the acquiescence of some of the priests. Thus far the Orange party, though much alarmed, has committed itself to no overt effort at counteraction, so that things wear an appearance of calm which

is not warranted by the reality. It is not unlikely that some effort will be made in Parliament to reform the ecclesiastical condition of the island, in which case the passions now latent may seek a vent in some form likely to augment the embarrassments of the ruling party.

On the whole, the chances seem to be of a good deal of public agitation to follow the last few years of remarkable repose.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hunter to Mr. Adams.

No. 1662.] DEPARTMENT OF STATE,
Washington, January 23, 1866.

SIR: I enclose for your information a copy of a letter of the 30th of December last from the Secretary of the Navy, relative to the disposition of the Shenandoah.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

NAVY DEPARTMENT,
Washington, December 30, 1865.

SIR: I have the honor to return herewith the despatch of the 14th instant from Mr. Adams, United States minister at London, which accompanied your letter of yesterday's date.

The department has not the officers or men to spare for the purpose of sending after and bringing to a port of the United States the Shenandoah.

Whenever that vessel reaches a port of the United States through other means, this department will, if requested, be happy to take charge of her.

Very respectfully, &c., &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1137.] LEGATION OF THE UNITED STATES.
London, January 25, 1866.

SIR: I have the honor to transmit a copy of a written circular received from Lord Clarendon, dated the 20th instant, requesting that information may be given to the British government in cases therein described.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Circular.]

FOREIGN OFFICE, *January* 20, 1866.

SIR: As it would be a very great convenience to her Majesty's government to have an assurance that vessels evidently calculated for warlike purposes and alleged to be building in the private ship-building yards of this country, on account of foreign governments, are really intended for the service of such governments, whereby all questions and suspicions in regard to their possible destination would be obviated, I have the honor to request that you will have the goodness to obtain from your government authority to make known to her Majesty's government, as occasion may exist, the mere fact that any such vessels are constructing or are ordered to be constructed in this country, on its account.

You may safely give an assurance to your government, that the object in seeking this information is not for the purpose of instituting any inquiry or of exercising any influence or control in regard to the orders which it may give for building ships of war in this country, but solely that her Majesty's government may know that any such ships which may be in course of construction are really destined for the service of a foreign power not at war with any other foreign power friendly to her Majesty.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Clarendon.

LEGATION OF THE UNITED STATES,
London, January 24, 1866.

MY LORD: I have the honor to acknowledge the reception of your circular of the 20th instant, requesting me to obtain authority from my government to make known to her Majesty's government any case in which a vessel or vessels calculated for warlike purposes may be building for the service of the United States in the private ship-building yards of this country.

I shall take great pleasure in complying with your lordship's desire, by at once transmitting to my government, for its consideration, a copy of your note.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1138.] LEGATION OF THE UNITED STATES,
London, January 26, 1866.

SIR: In connection with my despatch No. 1129, of the 5th instant, reporting to you my note to Lord Clarendon relative to the deposition of Temple, I have now to transmit a copy of his lordship's commentary on that deposition, dated the 19th instant, and also of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Clarendon to Mr. Adams.

FOREIGN OFFICE, *London, January* 19, 1866.

SIR: Her Majesty's government having had under their consideration in communication with the proper law advisers of the Crown, your letter of the 28th ultimo and its enclosures, respecting the case of the Shenandoah, I have now the honor to state to you that these papers contain the first evidence which has been submitted to her Majesty's government, bearing on the alleged piracy of Captain Waddell, and on the alleged breach of the foreign enlist-

ment act on the part of persons forming part of the crew of the Shenandoah, when she arrived at Liverpool.

With respect to the charge of piracy, Temple, who shipped on board the Sea King, according to his affidavit, as an ordinary seaman in the port of London, in October, 1864, certainly states that on some day of June last, Captain Waddell was told by the captain and crew of a vessel which he had captured, that General Lee had surrendered, and that the war was over. It does not appear that this statement of the captain and crew, if actually heard by Temple, was at the time confirmed by anything written or printed, such as newspapers, letters, &c., and the truth of Temple's statement may be greatly doubted from the entire silence of the master of the William C. Nye, it is to be observed, as appears from the protest of which a copy was forwarded by you to Lord Russel, on the 21st of October last, was captured on the 26th of June. Captain Waddell continued to make prizes after this; but after the receipt of the next information, the date of which is not given, further than that it was before the 6th of July, Temple does not assert that any further prizes were made. The next date which he gives is the 2d of August, when Captain Waddell made further inquiries of the Barracouta, an English vessel, and upon receiving from her confirmation of the intelligence, determined to sail to England.

Her Majesty's government are advised that upon this evidence there would not be such a reasonable probability of obtaining a conviction on the charge of piracy as to warrant a prosecution. Temple's statement as to the first communication of the cessation of the war to Captain Waddell would probably be contradicted by witnesses on Captain Waddell's behalf; but even if it were uncontradicted, the jury might well doubt whether Captain Waddell really believed the information, or what he may reasonably have regarded as highly improbable, until it was subsequently confirmed, and if he did not believe it, the guilty knowledge necessary to his conviction would not be established.

With respect to the nationality of some of the crew of the Shenandoah, her Majesty's government think that the statements of Temple, although he does not show what means he has of knowing that any of the persons described as British subjects in his list are natural-born subjects of her Majesty, are such as to make further inquiries necessary. Endeavors will, therefore, be made to ascertain the present residence or whereabouts of those whom he describes to be British subjects, and to ascertain what further proof can be obtained on this subject. Mrs. Marshall cannot give evidence against her husband, but other evidence against him may possibly be obtained.

Prosecutions under the second section of the foreign enlistment act will be instituted against any British subject, as to whom Temple's evidence can be confirmed by trustworthy testimony.

With respect to that part of your letter which refers to two eighteen-pounder guns being mounted on the deck of the Shenandoah when she left England, her Majesty's government have to observe, that if this were true, it would be immaterial, inasmuch as you do not assert that either you or her Majesty's government had information of it. And further, that the total silence of all witnesses in the case of the Queen *vs.* Corbett, who had been examined by the United States consul on the subject of these guns, throws some doubt, to say the least, on this part of Temple's story. Independently of which, it is clear that the general armament and equipment of the Shenandoah, with the necessary munitions of war, were provided by the Laurel, and there is nothing to render it probable that without such equipments, and in the state in which she left this country, the Shenandoah, even if she carried the two guns alleged, was in the condition of an armed vessel, capable of committing hostilities against the United States.

Among other statements in the depositions of Temple, which appear to require notice, are some relating to the conduct of the governor and officers of the government at Melbourne, in Victoria.

Copies of your letter and its enclosures have accordingly been sent to the Colonial Office for inquiry as to the conduct of the authorities at Melbourne, as well as to the Home Office, with a view to prosecutions being instituted under the foreign enlistment act, if sufficient evidence can be obtained to warrant proceedings being taken against any parties.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Earl Clarendon.

LEGATION OF THE UNITED STATES,
London, January 24, 1866.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 19th instant touching the evidence furnished in my letter of the 28th of December to certain facts connected with the cruise of the steamer Shenandoah. Whatever may be the weight attached to that evidence in a court of law, I have no reason to presume that, after the expe-

rience of preceding trials under the enlistment act, my government would desire to be understood as furnishing it in the expectation of such use. The present object is, if possible, to establish the truth, so far as it may be obtained from the best sources, and to place it on record in a permanent form. Fully believing that this may prove of eminent use to a comprehension of the precise nature of the obligations of neutral nations hereafter, I shall be happy to receive, myself, as well as furnish to your lordship, any further elucidation of the actual facts attending this extraordinary case that may appear, and that without any regard to the bearing which it may be supposed to have on any particular view of the questions thought to be involved.

I pray your lordship to accept, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1667.] DEPARTMENT OF STATE,
Washington, January 27, 1866.

SIR: Your despatch of the 11th instant, No. 1131, relative to the recent articles in the Times upon the subject of the expansion of the British export trade to this country, has been received, and the matter is conceived to be of such importance that I have submitted your interesting communication to the Secretary of the Treasury, in order that he may become acquainted with its contents.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1669.] DEPARTMENT OF STATE,
Washington, January 29, 1866.

SIR: I transmit to you a copy of a communication of the 23d instant, which I have received from the Secretary of the Treasury, in regard to a report that a Mr. Waterhouse has just embarked to Liverpool with a view to the disposal of eighty steam vessels belonging to the late insurgent government, which vessels are said to be at present in the above-mentioned port. I will thank you to communicate with Mr. Dudley, at Liverpool, upon the subject, although little credit is given by the department to the report in question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

TREASURY DEPARTMENT,
January 23, 1866.

DEAR SIR: Enclosed I hand you a copy of a letter just received from William James, collector of internal revenue at Richmond, Va., and I respectfully suggest that the substance thereof be communicated either to Mr. Adams or to the United States consul at Liverpool.

I am, very truly, yours,

H. McCULLOCH, *Secretary.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

U. S. INTERNAL REVENUE COLLECTOR'S OFFICE, FIRST DISTRICT OF VA.,
Richmond, January 20, 1866.

SIR: I have the honor to forward a report, which appears to me to be true, that a Mr. Waterhouse has just embarked to Liverpool, England, in order to dispose of eighty (80) steam vessels belonging to the so-called southern confederacy, which vessels are said to be lying in that port.

Being impelled by a sense of duty to give this information, that your action may be taken in the case,

Very respectfully, your obedient servant,

WM. JAMES, *Collector.*

Hon. HUGH McCULLOCH,
Secretary of the Treasury U. S.

Mr. Adams to Mr. Seward.

No. 1142.] LEGATION OF THE UNITED STATES,
London, February 1, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1649 to 1660, inclusive.

The new Parliament assembles this day. But as some time is commonly absorbed in the process of qualifying the members and perfecting the organization of the House of Commons, the formal opening by the Queen will not take place until Tuesday of next week.

The doubts respecting the continuance of the present ministry increase instead of diminishing. The duration of the Parliament itself is also much questioned on account of its connection with the project of a reform bill; for, whether the ministry succeed, or whether they fail in their measure, in either case an appeal to the country for a new organization seems to be equally likely.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1145.] LEGATION OF THE UNITED STATES,
London, February 1, 1866.

SIR: In connection with my despatch No. 1138, of the 26th of January, I now transmit a copy of Lord Clarendon's note of the 29th, in acknowledgment of mine of the 24th of the same month.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Clarendon to Mr. Adams.

FOREIGN OFFICE, *January* 29, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply I beg to state that her Majesty's government will gladly co-operate with you in establishing the truth, not only as regards the Shenandoah, but in whatever may tend to render clear and practical the obligations of neutral nations.

I have the honor to be, &c., &c.,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., London.*

Mr. Seward to Mr. Adams.

No. 1680.] DEPARTMENT OF STATE,
Washington, February 6, 1866.

SIR: Your despatch of the 18th of January, No. 1132, has been received. The survey you have made of the political situation in Great Britain is very interesting. Your account of agitation in Ireland is especially so. The intelligence heretofore received from that country was calculated to make the impression that Ireland was remaining tranquil, and even unconcerned, under the excitement of the politicians who, on both sides of the ocean, are engaged in contests about her rights and remedies.

Reform and progress, of necessity, always are and must be subjects of political controversies in free countries. I shall look with deep interest to the result of the projected measures which are supposed to have been matured by Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1147.] LEGATION OF THE UNITED STATES,
London, February 8, 1866.

SIR: * * * * * * * *

Parliament was formally opened by the Queen in person on the 6th instant. The attendance was very large, and the popular interest in the proceedings was marked by the great crowd in the streets. The speech was read by the lord chancellor. A copy is herewith transmitted.

The debates in the two houses on the customary motions for an address were almost entirely confined to the subject of the cattle plague. Hence they furnish no clue to the precise strength of parties in those bodies.

There has been another modification of the ministry, caused by the retirement of Sir Charles Wood from the head of the India board. The effect has been to advance the Marquis of Hartington, eldest son of the Duke of Devonshire, to the head of the War Office, and a consequent place in the cabinet. The subsequent shifting of subordinate officers has had the effect of developing two new rules of action.. The first is that a younger class of men are selected for rapid advancement. The second, that the selection is leaning more and more towards the advanced class of liberal opinions, rather than to the conservative wing.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Her Majesty's most gracious speech to both houses of Parliament, on Tuesday, February 6, 1866.

MY LORDS AND GENTLEMEN: It is with great satisfaction that I have recourse to your assistance and advice.

I have recently declared my consent to a marriage between my daughter, Princess Helena, and Prince Christian of Schleswig-Holstein Souderbourg-Augustenburg. I trust this union may be prosperous and happy.

The death of my beloved uncle, the King of the Belgians, has affected me with profound grief. I feel great confidence, however, that the wisdom which he evinced during his reign will animate his successor, and preserve for Belgium her independence and prosperity.

My relations with foreign powers are friendly and satisfactory, and I see no cause to fear any disturbance of the general peace.

The meeting of the fleets of France and England, in the ports of the respective countries, has tended to cement the amity of the two nations, and to prove to the world their friendly concert in the promotion of peace.

I have observed with satisfaction that the United States, after terminating successfully the severe struggle in which they were so long engaged, are wisely repairing the ravages of civil war. The abolition of slavery is an event calling forth the cordial sympathies and congratulations of this country, which has always been foremost in showing its abhorrence of an institution repugnant to every feeling of justice and humanity.

I have, at the same time, the satisfaction to inform you that the exertions and perseverance of my naval squadron have reduced the slave trade on the west coast of Africa within very narrow limits.

A correspondence has taken place between my government and that of the United States

with respect to injuries inflicted on American commerce by cruisers under the confederate flag. Copies of this correspondence will be laid before you.

The renewal of diplomatic relations with Brazil has given me much satisfaction. And I acknowledge with pleasure that the good offices of my ally, the King of Portugal, have contributed essentially to this happy result.

I have to regret the interruption of peace between Spain and Chili. The good offices of my government, in conjunction with those of the government of the Emperor of the French, have been accepted by Spain, and it is my earnest hope that the causes of disagreement may be removed in a manner honorable and satisfactory to both countries.

The negotiations which have been long pending in Japan, and which have been conducted with great ability by my minister in that country, in conjunction with the representatives of my allies in Japan, have been brought to a conclusion which merits my entire approbation. The existing treaties have been ratified by the Mikado; it has been stipulated that the tariff shall be revised in a manner favorable to commerce, and that the indemnity due under the terms of the convention of October, 1864, shall be punctually discharged.

I have concluded a treaty of commerce with the Emperor of Austria, which I trust will open to that empire the blessings of extended commerce, and be productive of important benefits to both countries.

The deplorable events which have occurred in the island of Jamaica have induced me to provide at once for an impartial inquiry, and for the due maintenance of authority during that inquiry, by appointing a distinguished military officer as governor and commander of the forces. I have given the assistance of two able and learned commissioners, who will aid him in examining into the origin, nature and circumstances of the recent outbreak, and the measures adopted in the course of its suppression. The legislature of Jamaica has proposed that the present political constitution of the island should be replaced by a new form of government. A bill upon this subject will be submitted for your consideration.

Papers on these occurrences will be laid before you.

Papers on the present state of New Zealand will be laid before you.

I have given directions for the return to this country of the greater portion of my regular forces employed in that colony.

I watch with interest the proceedings which are still in progress in British North America, with a view to a closer union among the provinces, and I continue to attach great importance to that object.

I have observed with great concern the extensive prevalence during the last few months of a virulent distemper among cattle in Great Britain, and it is with deep regret, and with sincere sympathy for the sufferers, that I have learned the severe losses which it has caused in many counties and districts. It is satisfactory to know that Ireland and a considerable part of Scotland are as yet free from this calamity, and I trust that by the precautions suggested by experience, and by the divine blessing on the means which are now being employed, its further extension may be arrested.

The orders which have been made by the lords of my privy council, by virtue of the powers vested in them by law, with a view to prevent the spreading of this disease, will be laid before you, and your attention will be called to the expediency of an amendment of the law relating to a subject so deeply affecting the interests of my people.

GENTLEMEN OF THE HOUSE OF COMMONS: I have directed that the estimates of the ensuing year shall be laid before you. They have been prepared with a due regard to economy, and are at the same time consistent with the maintenance of efficiency in the public service.

The condition of trade is satisfactory.

MY LORDS AND GENTLEMEN: A conspiracy, adverse alike to authority, property, and religion, and disapproved and condemned alike by all who are interested in their maintenance, without distinction of creed or class, has unhappily appeared in Ireland. The constitutional power of the ordinary tribunals has been exerted for its repression, and the authority of the law has been firmly and impartially vindicated.

A bill will be submitted to you, founded on the report of the royal commission on the subject of capital punishment, which I have directed to be laid before you.

Bills will be laid before you for amending and consolidating the laws relating to bankruptcy, and for other improvements in the law.

Measures will also be submitted to you for extending the system of public audit to branches of receipt and expenditure which it has not hitherto reached, and for amending the provisions of the law with respect to certain classes of legal pensions.

Your attention will be called to the subject of the oaths taken by members of Parliament, with a view to avoid unnecessary declarations, and to remove invidious distinctions between members of different religious communities in matters of legislation.

I have directed that information should be procured in reference to the rights of voting in the election of members to serve in Parliament for counties, cities, and boroughs.

When that information is complete, the attention of Parliament will be called to the result thus obtained, with a view to such improvements in the laws which regulate the rights of voting in the election of members of the House of Commons as may tend to strengthen our free institutions, and conduce to the public welfare.

In these and in all other deliberations, I fervently pray that the blessing of Almighty God may guide your counsels to the promotion of the happiness of my people.

Mr. Seward to Mr. Adams.

No. 1684.] DEPARTMENT OF STATE,
Washington, February 12, 1866.

SIR: I enclose for your information a copy of a note* of the 9th instant, which I addressed to Sir Frederick W. A. Bruce, relative to the contents of a note,* a copy of which is also enclosed, of the 19th ultimo, upon the subject of the Shenandoah, from Lord Clarendon, who instructed Sir Frederick to communicate it to me.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

Confidential.] DEPARTMENT OF STATE,
Washington, February 14, 1866.

SIR: Your confidential letter of the 21st of December arrived here at a time when I was abroad on a short excursion for health to the West Indies. Accumulated correspondence has delayed the attention which I should have been pleased to have given to your letters at an earlier day since my return. I give to this paper, which has been submitted to the President, the form of a confidential reply, upon which you will act in every case in your consideration. There is not one member of this government, and, so far as I know, not one citizen of the United States, who expects that this country will waive, in any case, the demands that we have heretofore made upon the British government for the redress of wrongs committed in violation of international law. I think that the country would be equally unanimous in declining every form of negotiation that should have in view merely prospective regulations of national intercourse, so long as the justice of our existing claims for indemnity is denied by her Majesty's government, and these claims are refused to be made subject of friendly but impartial examination.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1150.] LEGATION OF THE UNITED STATES,
London, February 15, 1866.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1663 to 1673, inclusive.

In accordance with the desire expressed in your No. 1669, of the 29th of January, I have communicated with Mr. Dudley, the consul at Liverpool, on the subject of the extraordinary rumor respecting the mission of Mr. Waterhouse to sell eighty rebel vessels at Liverpool. Mr. Dudley agrees with me in opinion as to the absurdity of it. But he has promised to be on the lookout for such a gentleman, and his objects, whatever they may be.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1151.] LEGATION OF THE UNITED STATES,
London, February 15, 1866.

SIR: On a closer examination of the contents of the parliamentary document containing the correspondence relative to the Shenandoah, than I had been able to give at the moment when I transmitted copies to you last week, I find, to my surprise, that Lord Clarendon, immediately after my conversation with him of the 20th of December last, reported by me to you partly in my despatch No. 1112, of the 21st of the same month, and partly in a confidential letter, sent to Sir Frederick Bruce, in a despatch dated the 21st of that month, instructions formally to submit to you the same proposition which he had presented to me in that conference, and which I had then suggested to him not to offer in that way. The objection to this course, as necessitating you at the outset to bring forward the obstacle presented in the impossibility of abandoning our claims, and in their absolute rejection of them, was so obvious that I saw no method of reaching any useful result excepting through an informal preliminary tentative process, absolutely committing neither party, by which some notion might be reached of the precise extent to which each was willing publicly to go in order to reach some common ground of negotiation. From a few words that dropped from his lordship in our conversation, I rather inferred that he had in his mind the possibility of making concessions of some sort from the position taken by Lord Russell, provided they should not appear derogatory to the national dignity. This was the only thing that gave me the smallest hope of making something out of his overture. But that hope appears to be entirely destroyed by the course now resorted to. The language of his letter to Sir F. Bruce clearly implies that recurrence to the past makes no part of his plan. If this be the true meaning, then the British government will have done nothing to emerge from its former awkward position, of soliciting protection for itself in certain future emergencies against the hazard of a retort of its own past policy, without conceding that it had failed in any of its own obligations heretofore. We are expected to abandon the whole ground of the justice of our complaints at the same time that we shut ourselves off from all future chance of profiting by their own policy, thus conceded to have been permissible under the existing state of international law. The public presentation of such an overture, if attended with no private explanation, would seem, therefore, only like inviting a formal reply, which would more completely than ever block up the last avenue to reconciliation.

Of course, I write without knowledge of any instructions that may have accompanied this letter to Sir Frederick Bruce. Hence, there may be something unseen by me to soften the character of this transaction. But from my point of view I am at a loss to explain the reasons for it excepting in one way. It may be that the cabinet were unwilling to meet the new Parliament without having something or other to show in qualification of the absolute and abrupt stopper put upon the whole matter by Lord Russell. That step is very generally felt to have been a mistake. It may be that this is the mode chosen by which to appear to retract it, and at the same time to throw upon us an absolute necessity of assuming the same position. It is scarcely possible to believe, after their experience of the last four years, they could imagine us not in earnest in maintaining the stand we had chosen to take, and not likely to abandon it from the force of opposition. Hence the answer to a proposition publicly made in the form chosen by Lord Clarendon could scarcely have been expected to be other than an equally formal negative. Consequently, the end sought must have been, that what odium might attach in this country to the fact of shutting off the last avenue to a settlement of existing difficulties would be shifted from them to us.

The idea is now started in private circles here, that, after all, the questions raised in the late controversy are not susceptible of arrangement excepting through a general conference of representatives of the maritime powers. Hence, it is not impossible that some proposition of the kind may be started from other quarters, but in the interest of this country, as the only remaining mode of disposing of the matter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1687.] DEPARTMENT OF STATE,
Washington, February 17, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 25th of January, No. 1137, together with a copy of a written circular, addressed to you by Lord Clarendon, in which you are requested to obtain authority from this government to make known to that of her Majesty any case in which a vessel or vessels intended for warlike purposes may be building for the service of the United States in the private ship-building yards of Great Britain. In reply thereto I transmit for the information of her Majesty's government a copy of a letter of the 15th instant, upon the subject, from the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *Washington, February* 15, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, enclosing a despatch numbered 1137, from Mr. Adams, United States minister at London, accompanied by a copy of a circular from Lord Clarendon, asking to be informed if there are any vessels calculated for war purposes building in England on account of this government.

In returning Mr. Adams's despatch I have to state that this government has had no vessel building within the British dominions, nor contracted for any to be built, during my administration of the Navy Department, commencing in March, 1861.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1690.] DEPARTMENT OF STATE,
Washington, February 20, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 4th ultimo. The information which it contains in regard to Parliament political tendencies, and the tone of the British press towards the United States, is appreciated. Mr. Hunter caused the copies of the report of the Secretary of the Treasury, desired by you, to be forwarded during my recent absence.

It is gratifying to me to be able to say that from all foreign countries we are receiving similar indications of confidence in our credit, resources, and stability as a nation, to those which your despatch affords.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1158.] LEGATION OF THE UNITED STATES,
London, February 22, 1866.

SIR: The event of the week has been the application of ministers to Parliament for a suspension of the *habeas corpus* in Ireland. The reason given for this strong measure is the spread of the Fenian organization, in spite of all the efforts made to check it by ordinary legal means. The explanations were made simultaneously in both houses on Saturday, an unusual day for transactions of other than mere formal business, and the necessary measures were passed with a rapidity believed to be unexampled even in the worst preceding cases.

The object of this haste was acknowledged to be a desire to pounce, without a moment's warning, upon numbers of native Irishmen in Dublin, and elsewhere, claiming to be naturalized American citizens, yet conducting themselves so cautiously as to furnish no ground for legal proceedings against them; and at the same time involved in suspicion of privity in the conspiracy which is believed to be going on, gaining force every day. Hence there is reason to believe that the necessary sanction was scarcely passed through its forms, before hundreds of suspected men were swept into prison, without a reason assigned, or a moment's time given for deliberation or the production of evidence to show their freedom from any criminal intent.

The first effect of this proceeding was an appeal to the acting consul at Dublin, Mr. West, from a number not only of those actually arrested, but also of others feeling themselves liable at any moment to be taken with equal suddenness, for protection, as being naturalized citizens of the United States. Mr. West immediately sent by telegraph to me a request for advice and direction. I replied at once recommending him generally to pursue the same line of conduct marked out in my former letters, with such modifications as the change of circumstances might make necessary. This has been followed up in a regular correspondence, more in detail, by letters, which is going on down to this moment. I presume that Mr. West makes his own reports to the department, thus putting you in possession of the facts as they daily happen.

One of the gravest difficulties presented to me in this proceeding grows out of the conflicting views of allegiance entertained in the two countries. Here the courts adhere to the old doctrine generally held in Europe, that it is indefensible. We, on the other hand, maintain the absolute right of expatriation. Hence we are in some danger of a renewal of the dispute of half a century since, and, perhaps, of a similar issue, if the government here does not take care to temper its harsh measures of prevention with a discriminating regard for the possible innocence of those whom they may associate with the guilty. I cannot say that the position taken by Sir Thomas Larcom, the lord lieutenant's under-secretary, in his note to Mr. West, in reply to his first letter, favors the notion of much wisdom at headquarters just now. If the government begins by reversing the established principles of English law, and assuming every stranger taken to be guilty, until his own representative proves him to be innocent, it will be difficult to avoid some rather strong notice of this novelty in our international relations. I can scarcely imagine that such a doctrine will be

seriously adhered to. Mr. West has already remonstrated against it, and I propose to confirm his action in this particular, with a hint that if persisted in I shall feel compelled to make it a subject for representation to my government.

On the other hand, there is some reason to believe that many of these people now under arrest are really more or less implicated in the organization which has its affiliations in both countries, and its object the subversion of British rule in Ireland. They are also astute enough to be capable of contriving means of raising a complication between the two nations, out of the questions that may follow from any abuse of the extraordinary powers of repression now resorted to here. This would suit their views exactly. My impression of the best course to pursue to meet this danger is frankness, and, if possible, the establishment of such a clear understanding with the ministry as may secure really innocent persons from the danger of serious annoyance, whilst it will leave it free to deal with unquestionable offenders as it shall think fit.

Of course, in expressing these opinions, it is always to be understood that no action is to be taken upon them by me, so far as to commit the government in the absence of special instructions. I am strongly in hopes that nothing will happen to call for the exercise of much discretion in advance of the moment when you have it in your power to furnish all that will be necessary for a decision.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1160.] LEGATION OF THE UNITED STATES,
London, March 1, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1680 to 1686, inclusive, with the exception of 1684. The four others noted as missing last week have not yet come to hand.

The London Times of yesterday morning contained a leader which made some sensation for a while. It gave countenance to, without absolutely affirming the truth of a rumor that Lord Russell had signified to the Queen his inability to continue in his post as leader, and had suggested the Duke of Somerset as a suitable person to be called to form a new government. This story obtained more currency than credit until the evening papers were issued, when four of the number were found to contain authorized positive contradictions. The inference generally drawn is that the article was intended to precipitate the fall of the cabinet, in order to make room for the new combinations, in which one of the persons believed to be much connected with the paper is understood to be deeply involved. If so, it has failed of its object, and by its failure has for the present imparted more strength to the government than it had before.

There are nevertheless reasons to believe that the tenure of Lord Russell will not be extended much beyond the period which it may take to mature and carry a bill through Parliament for the extension of the franchise. That he is in earnest in pushing such a measure cannot be doubted. If he should fail at first, it is not unlikely that he would continue to struggle until the lukewarmness which prevails among a large section of his own friends, and constitutes the greatest obstacle to success, shall have been fully overcome. This may keep him at the head of his party yet for some time to come. I cannot perceive any prospect of effective ultimate resistance to such a policy, provided Mr. Gladstone and Mr. Bright determine to work in harmony in the House of Commons. No combina-

tion possible in that body, as now constituted, can stand long against their opposition. Hence the question seems to be simply one of time, provided no external topics should come in to give to popular sentiment some new direction. Yet it may very possibly be that several changes in the ministry will intervene before the final triumph.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1161.] LEGATION OF THE UNITED STATES,
London, March 1, 1866.

SIR: At the last moment last week I transmitted to you a copy of the London Times of Saturday last, containing the report of a debate in the House of Commons the night before on two different topics connected with America. I had not time to draw your attention to the singular statement made by Sir Roundell Palmer touching certain facts of the negotiation carried on between the two governments, which attempted to create an impression that the failure of the British cabinet to improve their preventive laws was entirely owing to the action at Washington. There was a want of ingenuousness in the purely lawyer-like manner in which the case was drawn up, which for the time completely imposed on the least credulous members of the assembly. It seemed to me to be a proceeding which called for some form of remonstrance at once. So I prepared and sent a note to Lord Clarendon, briefly recapitulating the principal steps in the transactions referred to, and clearing the chronology over which some mist had been thrown. It can hardly be presumed that a case can be felt to be very strong which is thought to stand in need of such kind of support. The effort to prove by mere argument the inefficiency of our statute, without any evidence of facts to support it, in the past practice, is quite of a piece with Lord Russell's allegations in the Portuguese question, which I presume to have emanated from the same source.

The truth is, that with the highest respect for Sir Roundell Palmer in private life, I have never been able entirely to acquiesce in his notions of his duty as an officer of the government in a deliberative assembly.

I have the honor to transmit a copy of my note to Lord Clarendon. Since it was sent I perceive I made an omission in not fortifying my own report of my last conference with Lord Russell by the corroborating evidence of his lordship himself, in his note to Lord Lyons of the 14th February, 1863.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, February 24, 1866.

MY LORD: I have the honor to submit to your lordship's consideration an extract of what purports to be a speech of her Majesty's attorney general, Sir R. Palmer, in the House of Commons last evening, which I find reported in the London Times of this morning:

"The honorable member for Windsor (Mr. Labouchere) is slightly in error when he says that the English government was several times requested to amend the foreign enlistment

act; in fact, the very reverse of that statement is nearer to the truth. It should be remembered that at an early period of the American war, the government of this country, foreseeing that very important questions of international law might arise during the progress of the war, suggested to the American government that the foreign enlistment acts of both countries should be revised, and any additions that might be thought necessary made to them. What was the answer made by the American government to this offer of ours? What was the answer of the American government to this offer? Why, to use a humble expression, they threw cold water on it altogether. They said that they had no objection to enter into the consideration of such a question, but for their own part, they were of opinion that their foreign enlistment act required no amendment and was perfectly adapted for its purposes. I ask the house what position the government would have been placed in if, after the receipt of such an answer as that, they had asked Parliament to add more stringent provisions to the foreign enlistment act. The first question asked in the house would be whether we had received any intimation from the American government of any intention to make corresponding changes in their foreign enlistment act. Our answer to such a question would have been that we had received a communication on the subject from the United States government, who were of opinion that there was no necessity for making any alteration in their foreign enlistment act. After giving such an answer how could the government expect to have their bill adopted by the house? [Hear.]"

Disclaiming, as a representative of a foreign country, the smallest right to raise questions in regard to any words that may be uttered in the great deliberative assemblies of this kingdom by members in no way sharing a responsibility for the proceedings of her Majesty's government towards foreign nations, I cannot at the same time decline to observe that the confidential relation of the distinguished person who holds the position of chief legal adviser to the Crown, invests any statement which he thinks proper to make in regard to the action of a foreign country with an authority before the world closely akin to that of her Majesty's ministers themselves. It seems, therefore, difficult for me to avoid bringing to your lordship's attention those particulars in the extract above submitted which appear to me not only to be at variance with the actual facts in the transaction therein referred to, but doing more or less of injustice to the position occupied by my government as a party to it.

I understand it to be substantially affirmed in the passage cited—

1st. That the British government spontaneously, of its own volition, initiated early in the war a proposition to the government which I represent to revise the foreign enlistment acts of both countries, and make such additions as might be thought necessary to them.

2d. That the answer of the United States to this offer was like throwing cold water on it altogether. They said they had no objection to enter into the consideration of such a question, but they were satisfied with their own law as it stood. Hence it is clearly implied in the sequel, though not affirmed in words, that *as a consequence of this answer*, the British government were reluctantly compelled to desist from appealing to Parliament at all.

It is with unaffected regret that I feel absolutely constrained to point out to your lordship the grave errors of fact contained in both these propositions. Inasmuch as the several papers from which I proceed to quote as my authorities have been given to the world in print, long since accessible to all men, it is only necessary for me to refer to them in brief, in order to substantiate my statement.

On the 25th of October, 1862, I received from Mr. Seward, the Secretary of State, a brief letter enclosing papers connected with the ravages committed by the Alabama. It closed with these words:

"The President directs that you lay copies of the substance of these papers before Earl Russell in such manner as shall seem best calculated to effect two important objects: first, due redress for the national and private injuries sustained; secondly, a prevention of such lawless and injurious proceedings hereafter."

On the 27th of the same month, that is, two days later, he repeated the instructions, using the same terms "redress" and "prevention."

On the 20th of November I addressed a note to the Right Hon. Earl Russell, at the close of which are these words:

"I have the honor to inform your lordship of the directions which I have received from my government to solicit redress for the national and private injuries already thus sustained, as well as a more effective prevention of any such repetition of such lawless and injurious proceedings in her Majesty's ports hereafter."

It was in answer to this demand that the proposition of Earl Russell, to which the Attorney General refers in his remarks, was made. In his reply to my note, dated the 19th December, 1862, after declining the first proposition of Mr. Seward for redress for the past, his lordship goes on to speak of the second, which related to prevention for the future. This is the language used:

"As regards your demand for a more effective prevention for the future of the fitting out of such vessels in British ports, I have the honor to inform you that her Majesty's government, after consultation with the law officers of the Crown, are of opinion that certain amendments might be introduced into the foreign enlistment act, which, if sanctioned by Parliament, would have the effect of giving greater power to the executive to prevent the construction in British ports of ships destined for the use of belligerents. But her Majesty's government consider that before submitting any proposals of that sort to Parliament, it would be

desirable that they should previously communicate with the government of the United States, and ascertain whether that government is willing to make similar alterations in its own foreign enlistment act, and that the amendments, like the original statute, should, as it were, proceed *pari passu* in both countries."

Such was the origin of the proposal alluded to by the distinguished Attorney General. It must, therefore, be plain to your lordship that it was *not* made early in the war, but only after the ravages committed by the Alabama had roused the attention of my government to the subject. Neither was it initiated spontaneously, but was wholly the offspring of a demand made by my government for more effective measures of prevention of such ravages committed by vessels fitted out from British ports.

I now proceed to show to your lordship, in like manner, the fallacy in the other proposition of the Attorney General.

On the 25th of December, 1862, I wrote to Mr. Seward, transmitting for consideration the proposal made by Earl Russell.

On the 19th of January, 1863, Mr. Seward addressed to me a reply, in which he refers to his lordship's proposal in these words:

"It is not presumed that our anti-enlistment act is defective, or that Great Britain has ground to complain that it has not been effectually executed. Nevertheless, the proposition of her Majesty's government, that the two governments shall confer together upon amendments to the corresponding acts in the two countries, evinces a conciliating, a liberal, and just spirit, if not a desire to prevent further causes of complaint. You are, therefore, authorized to confer with Earl Russell, and to transmit, for the consideration of the President, such amendments as Earl Russell may in such a conference suggest, and you may think proper to be approved."

I shall abstain from entering into any discussion of whether this language is or is not fairly to be considered as "throwing cold water on it altogether." That is a matter of opinion. At present I shall strive to confine myself strictly to the consideration of facts. The point now is to ascertain, if possible, precisely what effect the communication of it did actually have on the action of her Majesty's government.

On the 7th of February I was favored with an interview by Earl Russell, upon which occasion I communicated to him the substance of the answer. The official report of this interview, which I made to Mr. Seward on the 13th of February, is in the following words:

"In obedience to your instructions, contained in despatch No. 454, I called the attention of Lord Russell, in my conference of Saturday, to the reply made by him to my note of the 20th of November last, claiming reparation for the damage done by No. 290, and security against any repetition of the same in future. I observed that my government had not yet authorized me to say anything in regard to the answer on the first point; but with respect to the second, his lordship's suggestion of possible amendments to the enlistment laws, in order to make them more effective, had been favorably received; although the law of the United States was considered as of very sufficient vigor, the government were not unwilling to consider propositions to improve upon it.

"To that end I had been directed to ask whether any such had yet been matured by her Majesty's ministers; if so, I should be happy to receive and to transmit them to Washington. His lordship, repeating my remark—that my government considered its present enlistment act as sufficiently effective—then added that, since his note was written, the subject had been considered in the cabinet, and the lord chancellor had expressed the same opinion of the British law. Under these circumstances he did not see that he could have any change to propose."

Thus it appears that the essential fact is developed, that his lordship's answer, declining to proceed any further, was made forthwith, and was the result of cabinet deliberations, previously held, and of the opinion of the lord chancellor thereupon given. It was in no way the effect of the communication made by myself at the moment, but had been prepared in advance to meet it whenever it came, or whatever it might be. It fell in with an opinion expressed by Mr. Seward, but was in no manner dependent upon it.

If this be the correct chronology, it follows that no such hypothetical difficulty in an appeal to Parliament, after such an answer as is described by her Majesty's attorney general, could ever have been possible. Her Majesty's government had decided, before the answer ever appeared, not to make any such appeal, but rather to abide by the lord chancellor's confidence in the existing statute.

In addressing this note to your lordship, I pray you to understand that I disclaim all intention to impute an evil motive to the distinguished and excellent gentleman against whose language I have been constrained to enter this protest. In the present state of the relations between the two countries, which I cannot disguise to be delicate, I am sensible of the great importance of every word that falls from the lips of persons in authority on either side. Hence, it has been under a painful sense of duty that I have marked to your lordship these errors, doubtless of inadvertence, committed by so eminent an officer of the Crown, which may, nevertheless, excite much comment among my countrymen, and aggravate the resentment for injustice suffered, already, unfortunately, much too prevalent with them.

I pray your lordship to accept, &c., &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1163.] LEGATION OF THE UNITED STATES,
London, March 2, 1866.

SIR: There is some little dissatisfaction among a certain class of political men with the sluggishness manifested by the government in making representations and remonstrances touching the Fenian organization in the United States. Not fully conscious of the awkwardness of a movement in this direction, in the face of all that has happened here during the war, there is much soreness and irritation engendered by the knowledge that both men and money are steadily pouring into the kingdom with a view to keep alive the agitation which is paralyzing the energies of Ireland, if it does not absolutely threaten its peace.

Meanwhile the process of summary arrests of all persons having the slightest appearance of Americans is steadily carried on in that island. As yet the efforts made by the consuls to relieve such of them as have a claim to protection as citizens of the United States have been successful only so far as to establish communication with them to verify their statements. No answer has yet been given by the authorities to the requests for reasons to justify their confinement. Neither has any distinction been attempted between native Americans and naturalized Irishmen. Whilst this delay lasts, no reason arises for my own interference. I presume, however, that it cannot be extended a great while longer. I shall report to you so soon as it becomes necessary for me to confer with Lord Clarendon on the subject.

Since the above was written, I have received from Mr. West a letter enclosing the final answer of the authorities in regard to naturalized citizens, which goes the whole length of claiming their allegiance. I have desired him to transmit to you copies of the whole of his correspondence.

I shall now request a conference with Lord Clarendon, in order to place you fully in possession of the views of the government on the subject, as well as to obtain the instructions of the President. This cannot be done in time for this week's steamer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1700.] DEPARTMENT OF STATE,
Washington, March 5, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 15th of February, No. 1151. I have taken pains to recur to the despatch in the Blue Book of Lord Clarendon to Sir Frederick Bruce, to which you have now referred me. I find that in that publication it bears the date of December 26, not December 28, as you have described it. Either Sir Frederick has, in the exercise of his discretion, refrained altogether from bringing the despatch to my notice, or else he has done so only in so purely a conversational and informal manner as to leave no real impression upon my mind. Whatever I may have said upon the matter to him has been in exactly the same terms in which I treated the same suggestion now found in the assumed despatch when it was presented by you in your confidential note. I see now no reason for apprehending that we shall at any time or under any circumstances be willing to negotiate for future contingences without having first due regard paid to our past injuries and damages. I shall make Sir Frederick Bruce acquainted with the contents of this paper. He is frank and honorable, while he is discreet and devoted to his government.

I will not anticipate the possibility of extreme suggestions by other maritime powers for consultation. Such proceedings have a certain attraction for minds of a doctrinal character. The idea of a congress of the maritime powers held a considerable preoccupation of a portion of the press last summer, but exhausted itself then, and has not since revived.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1164.] LEGATION OF THE UNITED STATES,
London, March 8, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1687 to 1690, inclusive, likewise of 1684, reported as missing last week, and lastly of a bound set of the Diplomatic Correspondence of 1864.

On the evening of the day on which I last wrote, another debate took place in the House of Commons on questions of maritime law, a report of which, in the London Times, I have the honor to transmit. It appears that the attorney general seized the opportunity to make the necessary corrections of his speech the week before. The only point he failed to make quite clear was the alleged effect of the answer of our government in producing the decision of the ministry here not to propose any modification of the enlistment law. The fact that this decision was reached irrespective of and prior to the communication of that answer is made so clear on the very face of the correspondence that in common candor the truth should have been frankly recognized.

Although the course of this debate gives an appearance of preponderance in sentiment in one direction, it must not be inferred that that indicates the prevalence of that sentiment among the members generally. The truth is, the subject as it now stands is felt to be so full of difficulties that much the greater number decline to commit themselves upon it in any way. This is particularly the case with the opposition, most of whom, including some of the leading men, absented themselves from the discussion altogether. Meanwhile there are domestic questions coming up which will, probably, absorb the attention of the body for some time to come. The government bill for the extension of the franchise is announced for introduction on Monday. If this be successful, which is much doubted, it will be followed by the question of Jamaica, and lastly that of Ireland, both of which can scarcely fail to elicit serious differences of opinion. Hence, it appears unlikely, unless some unexpected event should revive them, that any one of the international questions raised by the late war will receive during the rest of this session more than an accidental passing notice.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1165.] LEGATION OF THE UNITED STATES,
London, March 8, 1866.

SIR: The consul at Dublin, Mr. West, I take it for granted, forwards to you so fully his account of his proceedings and copies of the correspondence which

he conducts with the Irish authorities, that I deem it not necessary to do more than comment on the results.

It is thus far made clear that the government claims the right of dealing as it pleases with native Irishmen, no regard whatever being paid to the fact of their naturalization in the United States.

The course it intends to take with native Americans held under arrest upon the call made to assign reasons for their detention has not yet been declared. No intelligence has been thus far received of any response to Mr. West's appeal on that subject.

Meanwhile I executed the intention I expressed in my No. 1163, of the 2d instant, of asking an interview with Lord Clarendon, for the purpose of talking freely upon the whole subject. He appointed Monday, the 5th, at which time I saw him.

After mentioning the various steps which had been already taken by my direction in Ireland, and the position in which affairs now stand there, I pointed out to him as briefly as I could the nature of the questions that must spring out of the attitude taken by the British government. In the first place, native Americans had been arrested without reasons given, or charges made. Of course, as they appealed to me, I should feel it my duty to ask for reasons, and if none could be given beyond mere suspicion, to request their release. In this connection I reminded him of the fact how freely Lord Lyons had exercised this right during the war, and in how many very doubtful cases he had obtained a release.

But the second question was of a still graver character. It grew out of the conflicting theories of allegiance which had so long been a fruitful source of dissension between the two countries. On the one side all the powers of Europe claimed that the allegiance of native subjects could not be divested by any act of their own. On the other the right of expatriation was asserted to its fullest extent. In the present instance, several Irishmen, who had proved their naturalization in the United States, had claimed protection from arrest and imprisonment, as they alleged unjustly; and on the other hand the authorities in Ireland, in answer to a representation made by the consul, had claimed an absolute right to deal with them as British subjects, without accountability to any foreign authority. I admitted that this was in accordance with the English law, at the same time that I felt that I could not, on the part of my government acquiesce in it. This question had raised us many difficulties heretofore, and especially had conduced to the rupture between the two countries in 1812. I saw no practical way out of it, if both parties persisted in a rigid adherence to their particular views. The better course would seem to be, if possible, to avoid a collision, by endeavoring so far as was practicable to evade making the issue. If the men in dispute could be released, as many were in the United States, on condition of their good behavior, or of their quitting the country, I thought the difficulty might be removed.

Here Lord Clarendon interposed with some general remarks upon the "wheel within a wheel" of an organization in the United States, having for its object the overthrow of all authority in a country under a foreign jurisdiction, and upon the voluntary abnegation of the British government of every desire to remonstrate or interpose any claim for protection. Under these circumstances, when people came from the United States in such numbers, and were found in Ireland with money and arms, plotting against the government, he trusted that I would not attempt to hold over them the shelter of my diplomatic mantle.

To which I replied that his lordship had overrulooked an important distinction, which should have been kept in view. Since the suspension of the *habeas corpus*, numbers of people had been swept up together and lodged in the prisons, without a single reason given, or the allegation of any offence. Previously to that event, whenever any person claiming to be an American had

been arrested, the course had been to consult at once with the prosecuting officers to learn the nature of the charges against him, and upon that *prima facie* evidence, either to ask a release on the ground of insufficiency, or to let the law take its course. With this understanding everything had gone on smoothly enough. Several persons had been released; others had been tried, and their offences very fully proved. The whole case was now changed. All those arrested since the suspension of the *habeas corpus* were detained without reason given or charges made. This course as applied to such persons as might be innocent was a hardship, which I did not think citizens of a foreign state ought to be subjected to. I had been applied to by many who stoutly averred their innocence. It was in their behalf I thought I had a right to claim a release, and in regard to all citizens of the United States, it seemed to me that, at least, the grounds of detention should be assigned to me. For it should be understood that I had no wish to spread my diplomatic mantle over such as could be shown to be at least fairly suspected of designs subversive of established authority; although I believed many such had been released at the request of Lord Lyons. I should confine myself as matter of right only to those against whom no real charges could be brought. It was in the cases of such as might be innocent that I held it of the utmost importance to a good understanding between the countries that they should be promptly relieved. Even a single person, if innocent, and subjected to serious injury by confinement, might go to America afterwards, and become or be made a subject of popular sympathy, more or less just, which would materially increase the irritation, already quite great enough, and perhaps add a strong American element to the Fenian combination which thus far it had not possessed. With regard to that organization, and his lordship's observations on it, I incidentally recalled to his mind the fact that that had not been without its parallel in this country during the late war. I had somewhere among my papers a long list of aristocratic names, appended to what was *called* a southern aid association, the declared object of which was to effect a disruption of the United States. At the head of it had been Lord Wharncliffe, aided by many other noblemen.

His lordship affected to make very light of this association, as containing no name of real influence in England, to which I replied in the same terms as it regarded the Fenians in America. The parallel seemed to me sufficiently exact. But I had not been instructed to remonstrate against the southern association.

As to the substance of my representation, his lordship said that had he been made aware beforehand that I was about to offer it, he should have been more fully prepared by a knowledge of the actual facts to talk with me. It would be necessary for him to communicate with Sir George Grey, of the home office, in whose department were the papers connected with the Irish troubles. He should ask a brief delay, and would then give me notice of a time when he might renew the subject.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1709, confidential.] DEPARTMENT OF STATE,
Washington, March 10, 1866.

SIR: I lose no time in acknowledging the receipt of your despatch of the 22d of February, No. 1158, which brings us official information of the suspension of

the writ of *habeas corpus* in Ireland, with a view to the suppression of what is called "Fenianism."

I have refrained from alluding in this correspondence to Fenian proceedings here or elsewhere. I do not think that either time or occasion has arrived for making any communication upon that subject to her Majesty's government. It is right, however, that you should now be confidentially informed of the sentiments in regard to it which are entertained at the present moment by the President. The Fenian excitement as it exists in the United States seems to have merely a political or partisan character. The questions which it involves exclusively affect the political situation of Ireland as one of the United Kingdoms. The persons who are engaged in that agitation are, as a general fact, native Irishmen, many of whom, however, have, while others have not, availed themselves of our laws of naturalization. In moving, controlling, and directing the Fenian agitation, it is manifest that they are influenced altogether by feelings, sentiments, and views which they cherish as Irishmen, notwithstanding their change of domicile, or place of residence or citizenship. In a few words the Fenian agitation is a British and not an American movement—a movement for which the agitators have secured to themselves the benefits of refuge, which the Constitution and laws of the United States afford to exiles and emigrants from foreign lands.

The only question for this government is, not whether the motives or designs of the agitators in regard to Ireland are just, wise, beneficent, or humane, or the reverse, but whether in seeking to promote their designs they commit any violation of the laws of the United States which have been adopted to prevent military or naval aggression by persons who are amenable to those laws against nations with whom the United States maintain relations of peace and friendship.

Thus far no such violation of positive law has been brought to the knowledge of this government by either of its own agents, who are believed to be vigilant, or through any complaint from the British legation. No restraint has been put upon British agents of observation, and no obstacles placed in their way.

Neither the character of the agitation, nor the condition of our international relations, is such as to render it wise for this government to denounce the proceedings of the agitators, so long as they confine themselves within those limits of moral agitation which are recognized as legitimate, equally by the laws of the United States and by those of Great Britain.

It is not unreasonable to suppose that any unlawful enterprises which might be contrived in this country to disturb the peace and security of Ireland, or of any of the British colonies, would prove not only abortive, but even absurd, unless it should be found that the movement had some connection with an uprising of the country to be invaded. It is not for this government to anticipate such an uprising in Ireland. To pronounce such an anticipation, unnecessarily, would justly subject us to the suspicion of a desire to favor such an untoward event.

Perhaps it is reasonable to suppose that the suspension of the *habeas corpus* in Ireland, which has now taken place, has brought on a crisis there. If no uprising has occurred, it may be supposed either that such a movement had not been meditated, or that it has been averted. In either of these cases it is not to be apprehended that a violation of our neutrality laws will now be committed. On the other hand, if an insurrection shall have already occurred in Ireland, it will be by no means the purpose or policy of the United States to suffer their own laws to be violated, and their dignity and honor compromised.

It may be expected that some of our Irish born naturalized citizens, who are now sojourning or travelling in Ireland, will be arrested upon complaints of complicity in seditious proceedings. It may also be expected that some who will be thus accused will be innocent, while others will be guilty. The situation will for a time necessarily become inconvenient and embarrassing. I know of no way in which you can meet it more properly than by pursuing the course

which you have indicated. Americans, whether native-born or naturalized, owe submission to the same laws in Great Britain as British subjects, while residing there and enjoying the protection of that government. We applied the converse of this principle to British subjects who were sojourning or travelling in the United States during the late rebellion.

Give a careful examination to each complaint, dealing at all times frankly with the British government, and asking on their part strict justice in their proceedings where American citizens are concerned.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1167.] LEGATION OF THE UNITED STATES,
London, March 15, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1691 to 1695, both inclusive.

The great event of the week in this kingdom is the proposal to the House of Commons by Mr. Gladstone, on the part of the government, of a bill for the extension of the franchise. This led to an interesting two days' debate, a report of which in the Times I have the honor to transmit. No opposition having been made to the introduction and first reading, the question was then laid over until the 12th of April, when the real struggle will take place. It is difficult at this moment to foresee the result. The general impression is that thus far this disaffected section of the ministerial party has made less headway by its direct attack than was anticipated. It remains to be seen whether it will not be more successful by a resort to an indirect process against details, so often fatal to great measures in legislative assemblies. Although the public interest does not appear to be strongly aroused, it is not the less clear from the very full attendance of members, and the very crowded state of the galleries, that there is much feeling at bottom. It is not regarded merely as a struggle for power between contending parties, but rather as marking a moment of national transition to a more extended popular basis, either directly, or through a process more or less protracted, of ministerial revolutions. It is impossible to resist the conclusion that, whatever may be the issue of the immediate contest, the ultimate result is inevitable.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1168.] LEGATION OF THE UNITED STATES,
London, March 15, 1866.

SIR: In connection with my despatch No. 1164, of the 2d instant, I now have the honor to transmit copies of two more notes which have passed between Lord Clarendon and myself, on the extraordinary position taken by the attorney general in his speech of the 23d of February, in the House of Commons.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Clarendon to Mr. Adams.

FOREIGN OFFICE,
March 10, 1866.

SIR: I lost no time in communicating to her Majesty's attorney general the note which you did me the honor to address to me on the 24th ultimo, with reference to statements on the subject of proposed amendments in the foreign enlistment acts of this country and the United States, reported to have been made by the attorney general in the House of Commons, on the previous evening; and I have now the honor to enclose, with the hope that it may be satisfactory to you, a copy of a statement which has been made to me by the attorney general in reply.

I have the honor, &c., &c.,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Palmer to Lord Clarendon.

LINCOLN'S INN, *March* 6, 1866.

After a careful reconsideration of the expressions used by me on the occasion to which Mr. Adams refers, and of the document cited in his letter to your lordship, I am unable to perceive that there was in the substance of my observations anything which, when rightly understood, can be open to the charge either of misstating material facts, or of placing a wrong construction upon the conduct of the government of the United States. It must be borne in mind that my object was not at all to criticise or reflect upon the conduct of that government, for which I have always entertained a most high and sincere respect, but solely to explain under what circumstances her Majesty's government had determined, during the late war, to put to proof the efficiency or inefficiency of our own foreign enlistment act, without attempting to propose any alteration of it to Parliament.

1. With respect to the exact date at which the overture to which I referred was made by her Majesty's government, my memory (for I spoke from memory) was certainly not quite accurate, and on that point I willingly accept Mr. Adams's correction—but I must be permitted to add, that the circumstance of that overture having been made after and not before the commencement of the discussions with respect to the Alabama, would (if it had been present to my mind) have enabled me to give additional point to some of my observations as to the manner in which that overture was met by the government of the United States.

2. Mr. Adams appears to think that the facts did not warrant me in representing this overture as having been made by her Majesty's government "spontaneously, of its own volition." The letter of Earl Russell, dated the 19th December, 1862, in which it was contained, having been written in answer to one from Mr. Adams himself, in which (after seeking redress for the captures made by the Alabama) he solicited from her Majesty's government "a more effective prevention of any repetition of such lawless and injurious proceedings in her Majesty's ports." No doubt it was with a view to this latter object, mutually desired by both governments, that Earl Russell in reply, suggested the consideration of the question whether amendments might not advantageously be made in the foreign enlistment acts of both countries. That suggestion, however, though made upon such an occasion, did not the less originate with her Majesty's government, and was not the less entirely spontaneous on their part. Mr. Adams had on one or two former occasions intimated that new legislation by Great Britain against blockade running, and against the exportation of munitions of war from this country to the Confederate States, might have been acceptable to the government of the United States; but I am not aware that he had ever down to that time suggested any alteration of our foreign enlistment act as necessary for the more efficient prevention of naval equipments for warlike purposes; and the sequel of the correspondence itself clearly proves that the goverment of the United States did not look upon their own act of Congress of 1818 as requiring any such alteration.

I see no reason, therefore, to recede at all from the substance of that part of my statement in which Mr. Adams understands me to have affirmed, "that the British government spontaneously, of its own volition, initiated a proposition to the government of the United States to revise the foreign enlistment acts of both countries, and make such additions as might be thought necessary to them."

3. But with respect to the remaining and more important point, I cannot altogether admit the correctness of Mr. Adams's interpretation of my language. He understands it to have been substantially affirmed by me, "that the answer of the United States to this offer was like throwing cold water on it altogether. They said they had no objection to enter into the consideration of such a question, but they were satisfied with their own law as it stood." So far, Mr. Adams quite fairly represents the effect of my statement, and the documents cited by himself (as well as Earl Russell's despatch to Lord Lyons on the same subject, to which

he does not refer) *prove the fact* to have been as I stated it, whether I rightly described such an answer as cold and discouraging or not. Mr. Adams, indeed, quotes a letter from Mr. Seward to himself, dated the 19th of January, 1863, and says, that he "abstains from entering into any discussion of whether the language of that letter is or is not fairly to be considered as 'throwing cold water altogether' on Earl Russell's proposition." But he does not state that the terms of that letter of Mr. Seward were ever communicated to her Majesty's government, nor can I find the least trace of such a communication having been made in any of the sources of information open to me. I do not, therefore, perceive how the language of Mr. Seward in a letter to Mr. Adams can legitimately be called in aid to alter or modify the impression which Mr. Adams's own conversation with Earl Russell may have been in itself calculated to produce.

Mr. Adams proceeds to say that it was "clearly implied in the sequel," (of my observations,) "though not affirmed in words, that as a consequence of this answer the British government were reluctantly compelled to desist from appealing to Parliament at all," and then, after citing passages from the documents which passed between himself and the government at Washington, ending with his own despatch which contains a record of the conversation between himself and Earl Russell, he assumes it to have been shown "that his lordship's answer declining to proceed any further was made forthwith, and was the result of cabinet deliberations previously held, and of the opinion of the lord chancellor theretofore given." "It was," he adds, "in no way the effect of the communication made by myself at the moment, but had been prepared in advance to meet it whenever it came, or whatever it might be. It fell in with an opinion expressed by Mr. Seward, but was in no manner dependent upon it. If this be the correct chronology it follows that no such hypothetical difficulty in an appeal to Parliament, after such an answer as is described by her Majesty's attorney general, could ever have been possible. Her Majesty's government had decided before the answer ever appeared not to make any such appeal, but rather to abide by the lord chancellor's confidence in the existing statute."

I cannot think it was a just inference from anything which I said that her Majesty's government were "reluctantly compelled" to desist from making any application to Parliament as a consequence of Mr. Adams's answer to Earl Russell's suggestion. I neither said nor implied that her Majesty's government were *desirous* of making any such application to Parliament, much less that the answer returned by the United States government to Earl Russell's overture was their only or their principal reason for not making it. On the contrary the manifest difficulty of carrying such a measure through Parliament at such a time, and the great inconvenience of any unsuccessful attempt to do so (to which I did not omit to refer) would necessarily make the conclusion that such an attempt was unnecessary, (if it could be arrived at on good grounds,) acceptable to her Majesty's government, and the opinion formed in the cabinet under the advice of the lord chancellor, (which I also mentioned in the debate,) that our existing law would probably be found upon trial sufficient for its purpose, must (of course) have contributed in a very important degree to that conclusion. But as I read the reports of this conversation, (both that made by Mr. Adams, and that of Earl Russell to Lord Lyons,) I find nothing in either of them to justify Mr. Adams's inference that her Majesty's government had determined beforehand to let the matter drop, at all events, and not to propose any measure to Parliament, whatever the answer of the government of the United States might be. Lord Russell did, indeed, at once come to the conclusion, which he then announced to Mr. Adams, that the matter could not, at that time, usefully be carried further. But why? Not because the cabinet had already so decided, but because the opinion of the government of the United States, as expressed by Mr. Adams as to their own law, was found to coincide with the opinion of the lord chancellor expressed in the cabinet as to our law. Under these circumstances there appeared to be an agreement of opinion between the governments of both countries, that reliance might safely be placed upon their existing laws; and if any measure had been afterwards proposed to Parliament, the opinions thus formed and expressed must (when made known) have had an unfavorable influence upon its chance of success. To prosecute the negotiation further, under such circumstances, might not improbably have proved a source of serious embarrassment to her Majesty's government, unless some amendments to the laws of both countries had actually resulted from it; and the prospect of such a result was too uncertain to justify the risk. The government of the United States had thought it necessary, while expressing their willingness to consider any propositions which might emanate from her Majesty's government, to guard themselves against being supposed to admit that their own law, (in the language of Mr. Adams,) was not "of very sufficient vigor," or (in the language of Earl Russell) that it "could be improved." They were willing to receive suggestions; but, though invited to do so, they themselves made none. What might have been the effect of this if her Majesty's government had been satisfied that an amendment of our foreign enlistment act was indispensable for the accomplishment of its objects, I cannot pretend to say, but under the actual circumstances of the case, its natural (not to say necessary) effect was the reply immediately given by Earl Russell to Mr. Adams; in which reply the government of the United States, without any appearance of surprise or dissatisfaction acquiesced.

Mr. Adams thinks himself warranted in concluding that if the answer of the government

of the United States had been different, the reply of Earl Russell would still have been the same. My conclusion from the facts and the documents was, and is, the reverse. Having voluntarily proposed to enter into communication, with a view to the mutual revision of the statutes of both countries, on a very important and very practical subject, it was fully open to his lordship to withdraw from that proposal, when the government of the United States had expressed their willingness to entertain it in a merely passive sense, without accepting any part of the responsibility of pressing it forward, or even encouraging it so far as to say that they concurred in the views with which it had been originally proposed, or that they anticipated any prospect of advantage from its further prosecution. Under these cir cumstances the lord chancellor's opinion that there was no practical necessity for a change in our law became decisive. But my belief is, that the cabinet had in fact come to no conclusion which would have superseded the further consideration of the question, at that time, if the United States government had stated it to be the result of their experience, that their own law required amendments to make it perfectly efficient—much less if they had expressed an anxiety to agree in such amendments as might make the laws of both countries more effective for their common purpose, and had offered or stated themselves to be prepared to offer any practical suggestions with that view. Nor does it appear to me at all probable that if such had been the tenor of the answer given by Mr. Adams to Earl Russell's proposal, his lordship would nevertheless have broken off a negotiation initiated by himself, merely because the lord chancellor had in the mean time induced the cabinet to take a more favorable view than that which had been entertained by her Majesty's law officer of our existing law.

I think, therefore, I did not err in my appreciation of the substance of what took place between the two governments and although I do not attribute and never have attributed the decision of her Majesty's government solely to the opinion expressed by the government of the United States, as to the sufficiency of their own law, I still continue to believe (what alone I meant to state or imply in my place in Parliament,) that the opinion so expressed by the government of the United States did exercise a material influence upon the course then and subsequently taken by her Majesty's government, and that it would have been also likely to prove a serious impediment to the success of any measure for the amendment of the foreign enlistment act, if such a measure (even after some continued negotiation with the government of the United States) had been introduced into Parliament.

I have, &c., &c.,

ROUNDELL PALMER.

The EARL OF CLARENDON.

P. S.—I annex, as necessary to give a complete view of what passed, the two following extracts: No. 1, being the passage in Earl Russell's letter to Mr. Adams, of December 19, 1862, immediately following that quoted by Mr. Adams; and the other, No. 2, being Earl Russell's report to Lord Lyons, dated February 14, 1863, of his conversation with Mr. Adams:

No. 1.

"I shall accordingly be ready to confer at any time with you, and to listen to any suggestion which you may have to make, by which the British foreign enlistment act and the corresponding statute of the United States may be made more efficient for their purpose."

No. 2.

"Mr. Adams said that his government was ready to listen to any propositions her Majesty's government had to make; but they did not see how their own law on this subject could be improved." I said, "that the cabinet had come to a similar conclusion, so that no further proceedings need be taken at present on this subject."

R. P.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, March 12, 1866.

MY LORD: I have the honor to acknowledge the reception of your note of the 10th instant, and of a copy of a statement made to your lordship by the attorney general, in reply to the remonstrance which I felt it my duty to address to you on the 24th ultimo, against what appeared to me to be errors affecting the position of my government, in his speech in the House of Commons the previous evening.

I have read that statement with the attention which is due not less to the distinguished position of that eminent individual, than to my own personal respect for his high character. If I have unfortunately failed in entirely mastering the purport of his reasoning, it may, perhaps, be owing to my own inability to understand the necessity for any at all.

The question which it was my intention to propound was not one touching any class of

opinions, but simply naked facts. I pray your lordship's pardon if I briefly recapitulate the conflicting statements.

I understand the attorney general substantially to affirm:

1. That her Majesty's government had voluntarily initiated a proposition to the government which I have the honor to represent, to amend and improve the provisions of the British enlistment law, for the benefit of the United States.

2. That her Majesty's government had been deterred from prosecuting this friendly purpose entirely by the cold and repulsive manner in which that proposition had been met by the United States.

The necessary inference from these propositions, if well founded in the facts, is, that the whole responsibility for any failure of her Majesty's government in securing from Parliament greater safeguards against the abuse of neutrality in this kingdom devolves on the United States.

In behalf of my government, I have only respectfully to repeat my counter statement, to the following effect:

1. That her Majesty's government, so far as any knowledge of their proceedings was communicated to me, never initiated any proposition to the United States to improve the legislation against abuses of neutrality in this kingdom.

2. That the only thing done was a suggestion of an intention to make such a proposal, and that was elicited by a demand of the United States that something or other should be done. But even this was made conditional upon their consent to reciprocate whatever might be subsequently proposed by the British, and concurred in by the United States government.

3. That that intention was definitely abandoned before any reply from the United States came to the knowledge of her Majesty's government.

So far as the statement made by her Majesty's attorney general may be construed to corroborate the preceding averment of facts, I take great pleasure in expressing my satisfaction with it. So far as it may fall short of admitting them, I must submit that the way to prove the truth and to convict me of error is still open, not through reasoning so much as by an appeal to living testimony. I shall be prepared at all times, very cheerfully, to correct any misapprehension I may have myself fallen into of these facts, so far as they may involve the course of other parties, provided it shall be made plain to me from the proper authority.

Meanwhile, I must take the liberty to insist that my government must be considered as wholly free from every shadow of responsibility for the decision of her Majesty's government to abide by the existing legislation as a sufficient prevention of all abuses of the neutrality of the realm.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1172.] LEGATION OF THE UNITED STATES,
London, March 15, 1866.

SIR: In compliance with a desire expressed in a private note to me, I called to see Lord Clarendon on Tuesday, the 13th instant, when he announced himself prepared to resume the conversation held on the 5th instant, a report of which I made to you in my despatch No. 1165.

The substance of his observations, drawn from an examination of the papers in the Home Office, was to the effect that the government, whilst obliged to take every measure which the aggravated nature of the circumstances demanded to secure the public safety in Ireland, was yet ready to do whatever was possible not to make it press upon persons, especially aliens, who might have become involved in suspicion, without absolute proof. He referred to the claims made by Mr. West, the consul, in behalf of certain individuals as native Americans, and expressed a doubt from contrary evidence in their hands whether, at least in some of the cases, the fact was made out. He spoke with some sensibility of the very friendly manner in which the correspondence had been conducted, and assured me that it would be fully met in the same spirit. With regard to the claims made in behalf of naturalized Irishmen, he said that there was here an opposition in the law between the two countries which was not to be reconciled. He intimated that the process of naturalization was susceptible

of abuse in America, which might, if it were recognized as valid, have the effect of paralyzing all their measures to suppress the disaffection. As it was, what remained of it was clearly traceable to the support it got from money and men sent from the other side. Hence, it would be very difficult to make concessions in these cases.

I replied to this by explaining to him the nature of the obstacles existing in America to that facility of naturalization to which he had alluded. There might be some abuse of the process and even some fraud, but after all, the law required certain previous conditions of time from the date of the preliminary declaration, which were generally fulfilled. I did not, therefore, think that there was so much danger of abuse as he imagined. For the rest, I had no disposition to encourage false claims. To that end I had directed Mr. West to take every precaution in verifying, so far as he could, the allegation of nativity by requiring details of time, place, and circumstance. Furthermore, in regard to naturalization, I had also required satisfactory evidence, which, as Mr. West had written to me, had been furnished him only in a very small number of cases. Hence, I infer that most of the persons arrested must remain outside of my limit of interference. But even in all the admitted cases, if the government had in its hands the proofs of complicity with designs to overthrow the established law, I should feel myself obliged, on the production of them to me, to desist from urgency in regard to them. We had experienced so much annoyance from action of the same kind by the subjects of foreign states, who sympathized with and aided the rebellion, and whom we had been compelled to arrest and detain in the same way, that I was not inclined to give any sanction to such conduct anywhere. My efforts would be confined to those cases in which there was mere suspicion, or at most feeble evidence, of actual evil intent. Surely, in such instances it was no object for her Majesty's government to persevere in holding them, especially if the parties should prove willing, in the event of liberation, to pass without the limits of the jurisdiction. Of course, I could make no guarantee as to what they would or would not do in that event. The choice might, however, be left to them, if the case should seem to require it.

His lordship, without absolutely committing himself in words, gave me generally to understand that the government would cheerfully co-operate in every effort to facilitate an arrangement of all such cases. He asked me whether I desired to have the subject now put in writing between us, or I should prefer to wait a little while, letting things go on as at present. I replied that I was not yet quite prepared for the former course. The consul was still busy getting up his evidence in the respective cases Whenever the report I expected from him should arrive, I would then make a representation in writing. To this his lordship would probably consent to give me a reply. After the receipt of that I should make the proper official report to my government, with a view to obtaining full instructions as to the future. Thus far it was to be understood that I had been acting upon the spur of the moment, without being possessed of the views of my government. So soon as they should be communicated to me I should take an early opportunity to let him know what they were.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1711.] DEPARTMENT OF STATE,
Washington, March 20, 1866.

SIR: I have received and attentively read your interesting despatch of the 2d instant, No. 1163. You relate to me therein the opinions entertained by a certain class concerning the growth of Fenianism in this country and the proceedings of the government of Great Britain to check its progress in Ireland. My attention is attracted to the distinction which is made by officers engaged in suppressing the movement between American citizens and her Majesty's Irish subjects, but before treating of the contents of your communication I shall await the arrival of more information of the proceedings in Ireland referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1712.] DEPARTMENT OF STATE,
Washington, March 20, 1866.

SIR: I have received your despatch of the 1st instant, No. 1161, and its accompaniments. It informs me of the proceeding which you adopted to remove any erroneous impression which might arise from the statement made by Sir Roundell Palmer in the House of Commons in regard to the disposition of the United States to accede to a proposition for the revisal of their foreign enlistment act. It may be satisfactory to you to know that you have performed promptly and with ability an important duty in correcting the misstatement of the attorney general, and it is hardly necessary for me to add further remark in approval of your thoughtfulness in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1714.] DEPARTMENT OF STATE,
Washington, March 20, 1866.

SIR: For your information, I enclose a copy of a letter of the 17th instant, from Mr. Charles Haffner, in regard to the complicity of Mr. David Partridge, of Woolwich Steam Factory, in the Rappahannock affair. The letter sufficiently explains itself, and seems to call for no comment from this department. I have placed it in your hands in order that you may make use of its contents, should occasion require.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Haffner to Mr. Seward.

NAVY YARD, PORTSMOUTH, VIRGINIA,
March 17, 1866.

HONORED SIR: It is with much reluctance that I presume to trespass upon your attention, and will be as brief as possible.

From the petulant manner that the Earl of Clarendon has closed the correspondence respecting United States claims for depredations by the Alabama with Mr. Adams, I would

humbly call your attention to one important item connected with the Rappahannock affair, in Sheerness dock-yard, which, in my humble judgment, should be urged against the English government.

It is a well-known fact, (for I traced it out myself,) that David Partridge, the assistant chief engineer of Woolwich Steam Factory, came down to Sheerness dock-yard, on the afternoon of the 24th of November, 1863, and steamed the Rappahannock out of Sheerness harbor, at eleven o'clock at night, as far as the Nore, and then returned in the tug that towed her out. I minutely sent this statement, with the names of the witnessing parties, to Mr. Morse, the consul in London, who had it formally sent to the admiralty solicitor at Chatham, who duly forwarded it in the depositions to the chief solicitor at the admiralty in London, but (would you believe it?) had it expunged, thus stifling a very important piece of evidence against Rumble and the dock-yard officials at Sheerness.

I hope, honored sir, you will see just cause to complain of the manner the United States was trifled with.

In a collateral point of view, I would just call your attention to another fact.

Rumble had two effective scouts in Sheerness dock-yard, named Jacob Parkes, and Alfred Oysten, the former a leading man in the fitting shop, the latter a draughtsman in said department. It is matter of record, in the hands of Mr. Morse, the game that these vile men played in stultifying witnesses, &c., &c., who were to give evidence against Rumble. Well, after Rumble's acquittal, these men got promoted to higher situations, Parkes being promoted to Malta, and Oysten to a foreman's situation in Sheerness Steam Factory—doubtless as rewards for their zeal in Rumble's defence. And now, honored sir, Mr. Morse can supply you with corroborations of what I have stated to you, respecting the share that David Partridge, the assistant chief engineer of Woolwich Steam Factory took in the Rappahannock affair, and chief admiralty solicitor at Whitehall expunging such damaging evidence from the depositions. My only apology for thus intruding upon you is simply because I am grieved at the summary manner Earl Clarendon has disposed of Mr. Adams; and again, lest you might not have known about the case of Mr. David Partridge.

I am, honored sir, with much esteem, your humble servant,

CHARLES HAFFNER.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Mr. Adams.

No. 1717.] STATE DEPARTMENT,
Washington, March 22, 1866.

SIR: A despatch, No. 145, has been received from William B. West, esq., United States consul at Dublin, from which it appears that he, on the 20th of February last, opened a correspondence with her Majesty's attorney general for Ireland. In that correspondence he set forth the fact that a large number of the citizens of the United States have recently been arrested and thrown into prison in Ireland, without any information against them, or the slightest allegation of their guilt. That many alleged cases of great hardship and unjustifiable harshness have been brought before the consul, in the execution of the law by which the *habeas corpus* act was suddenly suspended in that country. That in other cases American citizens may be imprisoned, who, although there may be some grounds of suspicion against them, are nevertheless free from complicity in any designs against the peace and safety of the realm.

Upon these statements the consul would think it his duty to report to this government all cases of arrest of American citizens, with a view that proper proceedings might be taken for an inquiry into the causes of their arrest and detention.

In reply to this note, the secretary of the lord lieutenant informed the consul that he would be expected by his excellency to furnish him with the names of such American citizens as he had referred to, and to state any facts tending to establish their innocence of the treasonable designs of which they are suspected.

It was further stated by the secretary that directions have been given by the lord lieutenant for an investigation into the cases of all subjects or citizens of foreign states who have been arrested, with a view to their liberation, if the circumstances rendered it possible.

On the 21st of February the consul replied to the under-secretary of the lord

lieutenant that he had been refused permission to visit certain prisoners, understood to be American citizens, who were detained at Kilmainham, although he had been permitted to see others who were charged with treason and felony.

On the 22d of February the same under-secretary wrote to the consul that it was impossible for the lord lieutenant to give to the consul a general permission to visit the prisoners, but no impediment would be thrown in the way of their communicating in writing.

The secretary further stated that permission would be given to the consul to see any prisoner who he had good reason to believe was a citizen of the United States and not a subject of the Queen.

On the 24th of February the consul wrote to the secretary that two gentlemen, named John H. Gleason and Joseph Gleason, were then prisoners in the Neuagh jail, who had documentary proof of their being citizens of the United States by naturalization. In regard to these persons the consul asked to be furnished with copies of any information that might have been sworn against them to justify their arrest.

In the same letter the consul asked of the lord lieutenant permission to visit Bernard McDermott, who was a prisoner in Kilmainham jail, and who also was citizen of the United States, as appeared by documents of naturalization.

On the 27th of February the consul again wrote to the secretary, begging leave to draw the attention of the lord lieutenant to the cases of Michael O'Brien and Michael Duffy, who were confined in the Kilmainham jail, and whose evidence of United States citizenship was then before the consul; and in their behalf the consul asked permission to visit them, and also to be furnished with a copy of the evidence or information upon which they were deprived of their liberty.

On the 28th of February the secretary communicated to the consul the answer of the lord lieutenant, which is this:

"John H. and Joseph Gleason and Bernard McDermott are Irish-born subjects of her Majesty the Queen, and, notwithstanding any course which they may have pursued in the United States of America, they still in Ireland must be regarded as ordinary subjects of her Majesty, bound by the allegiance which they owe to their sovereign, and they must be dealt with accordingly. His excellency cannot recognize any right on his part, or on the part of the consul, as consul of the United States, to interfere in respect to the prisoners intrusted to his care, on the ground of their being citizens of the United States."

It is well understood that there is a conflict between the laws of Great Britain, as expounded by her legal authorities, and the laws of the United States, as understood by this government, with regard to the effect of naturalization. It is understood that the British government has not heretofore conceded that a native subject of the British realm divests himself of his allegiance by renouncing that allegiance, and transferring his allegiance under our laws to the United States. On the other hand, there has been no reservation on the part of the United States in regard to the principle that the process of naturalization in this country completely absolves the person complying with it from foreign allegiance, whoever may have been his sovereign, and invests him with the right equally with native-born citizens to such protection and care of the government of the United States as it can, in conformity with treaties and the law of nations, extend over him, wherever he may sojourn, whether in the land of his nativity or in any other foreign country. Of course the United States do not claim or hold that any such naturalized citizen, when transiently travelling or sojourning for a longer or shorter period in a foreign country, can refuse submission to the sovereign authority and obedience to the laws in the country of his temporary residence. All citizens of the United States, when passing through or dwelling in foreign countries, owe obedience and submission to the laws of those countries.

Hitherto each party has adhered to its own position in this conflict of laws; but, through what may be deemed to have been a fortunate continuance of peace

and prudence, it has happened that occasions for collision upon the question in debate have not arisen. Indeed, it has seemed to be passing within the domain of those disputes which, in process of time, become harmless abstractions.

From the very nature of the conflict, however, it is one which, when once practically raised, finds a friendly adjustment only by concession on one side or the other, or both, in the form of a treaty, or of mutual legislation, or through some form of arbitrament. The answer of the lord lieutenant to the American consul, if it shall be adopted by her Majesty's government, must bring the question up for immediate solution. The lord lieutenant admits the right of the consul of the United States to visit and lend good offices to the prisoner under arrest upon a charge of treason, where he is a native-born citizen of the United States. The lord lieutenant denies the same privileges to the consul in the case of a native of Great Britain, who has been naturalized by the laws of the United States. But he concedes to the consul the privilege of corresponding with the accused in both cases.

It will hardly be necessary to inform her Majesty's government that among these naturalized citizens of the United States, in whose behalf the good offices of this government are thus discriminated against by the lord lieutenant, are some who have borne arms in the defence of the United States in a war with public enemies. Her Majesty's government can conceive how impossible it would be for the government of the United States to agree to a denial or abridgment of their right to extend to them the same natural protection and care which the United States extend to native-born citizens of the United States in similar cases.

Practically there would seem to be no sufficient ground for the discrimination. Why should not the consul be allowed to visit an accused party with whom he is allowed to correspond? Why should not the United States consul be allowed to use his good offices in having the claim of the offender, based upon his naturalization in the United States, brought to the consideration of the judiciary of Great Britain? What danger to her Britannic Majesty's government can be apprehended from allowing the right of visitation in the one case, and not in the other? The government of the United States is in one case, equally with the other, responsible for the good faith and loyal conduct of the consul.

Under the existing circumstances, the insisting, by the British government, upon the discrimination mentioned, could not but be regarded as manifesting a willingness to join issue with the government of the United States upon the main question involved in the conflict. What advantage would result from this precipitancy, and would it serve to disarm, or weaken, or disperse the class of persons who are understood to be seeking to produce sedition and civil war in Ireland, to have it known that a serious debate has arisen upon it between the United States and Great Britain, without any good prospect of a peaceful and friendly settlement? It is for her Majesty's government to consider whether the occasion which brings up the question is the most suitable one, and whether the present time is the very conjuncture which ought to be chosen for joining that issue; or whether some other occasion and time might not be more convenient for treating the question, upon a good hope of its adjustment.

You will submit these views to the Earl of Clarendon, and ask for the decision of her Majesty's government at as early a day as may be convenient. In doing so you will, in a most respectful manner, give his lordship to understand that the United States will find themselves entirely unable to acquiesce in the course which is indicated by the lord lieutenant's decision in the case of John H. and Joseph Gleason and other British-born but naturalized citizens of the United States.

You may use this despatch either openly or confidentially, as you think best.

I am, sir, your obedient servant,

WILLIAM H SEWARD.

Charles Francis Adams, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1174.] LEGATION OF THE UNITED STATES,
London, March 22, 1866.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1696 to 1704, inclusive.

Little has happened worthy of note this week. Parliament will adjourn tomorrow for the Easter holidays, which are extended this year rather longer than usual. Meanwhile the supply bills have been advanced through their respective stages to such a point that their passage is a matter of course at any time. The struggle on the ministerial measure of reform will take place immediately on the reassembling of the bodies. Great doubt has been thrown on its success by an announcement of a motion by Lord Grosvenor, the son and heir of the Westminster title and estates, which, if it prevails, must inevitably overturn the government. Coming from that quarter, the issue can scarcely be regarded as doubtful. This opens up a prospect of a popular agitation more serious and lasting than has taken place in this country for near half a century.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1718.] DEPARTMENT OF STATE,
Washington, March 23, 1866.

SIR: Your despatch of the 8th instant, number 1164, has been received. At the present moment discussion between the United States and Great Britain of the international questions which arose during the war of the insurrection here, has little practical effect. The changing condition of States will bring those questions again prominently into view at no very distant period. Then it will be all-important that the record of the country shall be found complete and satisfactory.

Your correction of the attorney general's late misstatement in debate will then be appreciated at its just value. I will take care that it shall, in the mean time, be correctly published here.

The suggestion has been often made among us that it would be wise to adopt the British practice of bringing members of the cabinet into Congress. I confess that when I recollect how unfortunate for the real interests, equally of the United States and of Great Britain, were certain speeches which were made in Parliament during the war (as it now seems, without any necessity) by Earl Russell, by Mr. Gladstone, and by the attorney general, I think that it is doubtful whether our Constitution could be improved in that respect.

Neither has Great Britain a wound, or the scar of a wound, which during that trying period was inflicted by any words unnecessarily spoken by the President of the United States, nor have the United States a wound, or the scar of a wound, which was made by any words unnecessarily spoken by the Queen. The result of this reflection seems to be, that when governments speak to or of each other, it is important that their words should be duly considered, and not passionately or impulsively uttered.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1719.] DEPARTMENT OF STATE,
Washington, March 23, 1866.

SIR: Your despatch of the 8th of March, No. 1165, has been received. In that paper you give me an account of a preliminary conversation with Lord Clarendon upon the proceedings in regard to naturalized citizens of the United States, arrested and held in duress in Ireland. All that you have said and done in that respect is approved.

In a despatch, No. 1717, which will go out simultaneously with this acknowledgment, you have the well-considered views of this government upon that interesting subject. That despatch was prepared before your communication was received.

I have nothing now to add to it except to say, for your own information, or for such use as you may think proper, that in my judgment the question of a possible disturbance of the peace of Great Britain or her provinces has as yet taken no serious aspect. It may acquire some, and even great, importance from an error which shall be committed now in regard to what in itself is merely an exciting incident.

Lord Clarendon having opened to you the subject of the Fenian proceedings in this country, you are now put at liberty to make known to him what has heretofore been written to you from this department on the same subject under reservations of confidence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1721.] DEPARTMENT OF STATE,
Washington, March 25, 1866.

SIR: I transmit to you, for the information of her Majesty's government, a copy of a despatch of the 17th instant, addressed by the United States consul general at Havana to this department, relative to two hundred and seventy-five Africans that were found upon an uninhabited part of the island of Cuba, near Cape San Antonio, by the Spanish war steamer Neptune, and who were brought by that vessel into the port of Havana.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Minor to Mr. Seward.

No. 183.] UNITED STATES CONSULATE GENERAL,
Havana, March 17, 1866.

SIR: I have the honor to communicate to the Department of State that on Saturday, the 10th instant, the Spanish steamer of war Neptune brought into this port 275 Africans that were picked up on an uninhabited part of the island of Cuba, on the western part thereof, near Cape San Antonio.

There is no doubt that these Africans were brought by some late slave expedition from Africa. There are a great many rumors with reference to the matter, but as yet I have not been able to satisfy myself as to their truth. As soon as the particulars are learned, I will communicate them to the Department of State.

With sentiments of respect, I am your obedient servant,

WILLIAM T. MINOR,
United States Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1723.] DEPARTMENT OF STATE,
Washington, March 26, 1866.

SIR: I enclose herewith a copy of a communication of the 20th instant, from Mr. Garrett Commerford, of Lowell, Massachusetts, in regard to the improper arrest and confinement of his son, an American citizen, in the Kilmainham jail at Dublin, by the police of that city, upon a suspicion of being connected with the Fenian movement in Ireland.

I will thank you to bring this case to the attention of her Majesty's government, and request that young Commerford, if still detained, may either be released, or that this government may be made acquainted with the reasons which are considered sufficient to justify his continued detention, as well as the grounds upon which he was originally arrested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Commerford to Mr. Seward.

LOWELL, MASSACHUSETTS,
March 20, 1866.

SIR: The undersigned, a citizen of Massachusetts, and of the United States, would most respectfully represent that his son, John A. Commerford, a citizen of Lowell, and of the United States, in company with him, sailed in November last for Ireland, on a visit to our kindred and relatives, intending to return in February last; that our return tickets were secured before leaving New York; that my son was not connected with the Fenian movements in the United States, nor was he complicated with them while in Ireland, as appears from the affidavits connected herewith, and to the import of which you are respectfully referred.

And I further state that my son, about the middle of February last, was seized by the British authorities in Dublin, and lodged in the Kilmainham jail near Dublin, Ireland, and held, and is still held, a close prisoner without law or right.

Wherefore I pray you to interpose the authority of the government of the United States, and demand the release of my son, John A. Commerford, from confinement.

And I pray you that this may be speedily done, that he may return to his own country and home.

GARRETT COMMERFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Attest: A. R. BROWN.

I, Garrett Commerford, of Lowell, in the county of Middlesex, and Commonwealth of Massachusetts, a citizen of the United States, on oath say, that I have resided in said Lowell rising thirty years; that since I have resided in Lowell, I had a son, John A. Commerford, born to me, now twenty-eight years of age, and is a citizen of the United States. He served three years in the 3d Massachusetts cavalry; when discharged, he held a commission as captain and major by brevet.

On the 11th of November last, in company with myself, he sailed for Ireland, solely for the purpose of visiting our connections on that side of the water. I was with my son a large part of the time while in Ireland. We had about completed our visit, and had made arrangements to return to Massachusetts, and our passage tickets had been both secured. On about the 17th of February last, my son John was arrested by the police of the city of Dublin, (Ireland,) and thrown into prison, and now remains incarcerated in the Kilmainham jail.

And I further certify that my purpose, and my son's purpose, so far as I have any knowledge or belief, or suspicion even, was solely to visit our friends in the old country.

My son, Captain John A. Commerford, was not connected in any way with the Fenian movement in this country, before he sailed for Ireland. He was not a delegate to the order there, nor did he sail with any purpose to connect himself with it there, or to hinder or obstruct the British government in its authority over the Irish people. He was, therefore, illegally arrested, and is illegally restrained of his liberty.

And I further certify that I sailed for New York on the first day of March, instant, and arrived in Lowell on Friday last; and my son would have been with me, had he not been arrested.

And I further certify that both of our return tickets were purchased in New York before we started; and that the said John was not connected with the Fenian agitation in Ireland while he remained there, so far as I have any knowledge or belief.

GARRETT COMMERFORD.

MARCH, 20, 1866.

COMMONWEALTH OF MASSACHUSETTS, *Middlesex County, ss:*

Then personally appeared Garrett Commerford, whom I certify to be a credible and respectable person, and made solemn oath to the truth of the foregoing affidavit, by him subscribed before me.

In testimony whereof I have hereunto affixed my hand and official seal notarial, at my office in the city of Lowell, in said county, on the day and year aforesaid, to wit, March 20, 1866.

[SEAL.] EDWIN A. ALGER, *Notary Public.*

I, John Lennon, of Lowell, in the county of Middlesex, Commonwealth of Massachusetts, a citizen of the United States, on oath say, that I know Captain John A. Commerford, of said Lowell; he is a brother-in-law of mine. He served three years in the 3d Massachusetts cavalry. In November last he sailed for Ireland, in company with his father, about seventy years of age. They both went to Ireland solely for the purpose of a visit to their relatives and friends there.

Captain Commerford was not in any way connected with the Fenian organization here before he left, and did not go with any intent to connect himself with the movement in Ireland. I knew that it was the intent of the father and son both to return to this country in the month of February, and I understood he had purchased his return tickets in New York before he sailed. I received letters from him, and read others written while he was absent, and there was nothing in them indicating that he was interesting himself in anything but his visit and travels, and nothing tended to show he was in any way connected with the Fenian agitation in Ireland.

JOHN LENNON.

MARCH 20, 1866.

COMMONWEALTH OF MASSACHUSETTS, *Middlesex county, ss:*

Then personally appeared John Lennon, whom I certify to be a respectable and credible person, and made solemn oath to the truth of the foregoing affidavit, by him subscribed before me.

In witness whereof I have hereunto set my hand and official seal notarial, at my office in the city of Lowell, in said county, on the day and year aforesaid.

[SEAL.] EDWIN A. ALGER, *Notary Public.*

I, Matthew Donovan, of Lowell, in the county of Middlesex, in the Commonwealth of Massachusetts, on oath say, that I know John A. Commerford, of Lowell.

I started with him and his father, in November, A. D. 1865, to visit our friends in Ireland. His object was solely to see and visit his father's relatives, intending to return in February or March. I was with Mr. Commerford in Ireland, up to the 25th of December last, and I know he was not connected with the Fenian organization while I was there, or in any way a promoter of that agitation, up to that period.

I know also that Mr. Commerford was not connected with that organization here, and was not a delegate or representative of the subject-matters discussed by them.

Had Mr. Commerford not been arrested, he would have returned before this, as he had purchased a return ticket in New York, before he started from the United States.

MATTHEW DONOVAN.

MARCH 20, 1866.

COMMONWEALTH OF MASSACHUSETTS, *Middlesex County, ss:*

Then personally appeared Matthew Donovan, whom I certify to be a respectable and credible person, and made solemn oath to the truth of the foregoing affidavit, by him subscribed, before me.

In testimony whereof I have hereunto affixed my hand and official seal notarial, at my office in the city of Lowell, in said county, on the day and year aforesaid.

[SEAL.] EDWIN A. ALGER, *Notary Public.*

Mr. Moran to Mr. Seward.

Separate.] LEGATION OF THE UNITED STATES,
London, March 29, 1866.

SIR: Mr. Adams, who is out of town for a few days, directs me to transmit to you the accompanying copy of a note from Lord Clarendon to him, of the 24th instant, together with a copy of its enclosure of the 21st, from Sir Roundell Palmer to his lordship, relative to the statements made by him lately in the House of Commons, with reference to the question of amending the foreign enlistment acts of Great Britain and the United States.

I have the honor to be, sir; your obedient servant,

BENJ. MORAN,
Secretary of Legation.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Clarendon to Mr. Adams

FOREIGN OFFICE, *March* 24, 1866.

SIR: I forwarded to the attorney general your further letter of the 12th instant, relative to the statements made by that gentleman in the House of Commons with reference to the question of amending the foreign enlistment acts of this country and the United States; and I have now the honor to transmit you a copy of a further statement which the attorney general has made to me by way of rejoinder to your letter.

I have the honor, &c., &c., &c.,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.,*

Extract from her Majesty's Attorney General's report, dated March 21, 1866.

Mr. Adams's letter of the 12th instant calls for little further observation on my part.

If Mr. Adams understood me "substantially to affirm" the two propositions embodied in this letter, all I can say is that he misunderstood me. I stated (as is the truth) that her Majesty's government "voluntarily initiated a proposition" to the United States government not "to amend the provisions of the British foreign enlistment law for the benefit of the United States," but that the foreign enlistment act of both countries should be revised with a view to their simultaneous amendment, if, after mutual communication, such amendments should appear to the two governments to be practicable and desirable.

I further stated the answer, which was in fact given by the United States government to that overture, describing it (and I think truly) as one which did not encourage Her Majesty's government to proceed further in the matter, and as one which, if the matter had been carried further, might have been used in Parliament as an argument against the existence of any necessity for the alteration of our law. But I did not, either directly or "substantially," affirm that "her Majesty's government had been deterred from prosecuting this friendly proposal entirely by the cold and repulsive manner in which that proposition had been met by the United States."

I disclaim wholly the inference which Mr. Adams considers to follow from the propositions which he attributes to me, namely, that "the whole responsibility for any failure of her Majesty's government in securing for Parliament greater safeguards against the abuse of neutrality in this kingdom devolves on the United States." Nothing could possibly be further from my mind than the idea that the United States ought to be held responsible for the decision of her Majesty's government to abide by and enforce the existing law of this country. It is one thing to attribute (as I think I was fully justified in attributing) considerable practical importance to the opinion expressed by the government of the United States at that juncture, that their own law was "very sufficient" for its intended purpose, and another thing to say or imply that because such was the opinion of the United States her Majesty's government were not solely and exclusively responsible for forming and acting upon a similar opinion as to the law of this country.

The only other statements in Mr. Adams's letter which seem to me to require any remark, are those in which he insists that the only thing done by her Majesty's government was "*a suggestion of an intention to make a proposal*," and that "*that intention was definitively*

abandoned before any reply from the United States came to the knowledge of her Majesty's government."

I am surprised that Mr. Adams, who speaks so much in this letter of facts, (as opposed to reasoning,) should again have overlooked the fact (proved by the passage of Earl Russell's letter of the 19th December, 1862, which was extracted in the appendix to my former remarks that her Majesty's government did not merely "suggest an intention to make a proposal," but expressly invited suggestions from the government of the United States which they failed to obtain. Upon the other question, whether the intention conveyed by Earl Russell had been "definitively abandoned" before the answer of the United States government was received, Mr. Adams (unless he has some private information not discoverable from the contemporaneous documents, and which has never been communicated to me) seems simply to confound two things materially different, viz:

First. An opinion arrived at by the cabinet under the advice of the lord chancellor, that reliance might be placed on the sufficiency of our foreign enlistment act for its intended purpose; and,

Second. A definitive resolution not to follow up the overture contained in Earl Russell's letter of the 19th December, 1862. I do not find in the documents to which I have access that any such resolution had been taken, in or out of the cabinet, before Earl Russell learned from Mr. Adams that the United States government did not consider their own foreign enlistment act to require, or indeed to be susceptible of, any improvement.

Mr. Seward to Mr. Adams.

No. 1728.] DEPARTMENT OF STATE,
Washington, March 31, 1866.

SIR: I thank you for your very interesting despatch of the 15th of March, No. 1167. I have read with deep interest the debates which have occurred in Parliament on the subject of the newly proposed reform bill. Whatever difficulty that measure may encounter in Great Britain, it is manifest that it will have the benefit, whatever the weight may be, of a moral opinion throughout the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.,

Mr. Seward to Mr. Adams.

No. 1729.] DEPARTMENT OF STATE,
Washington, March 31, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 15th of March, No. 1168, which is accompanied by a copy of a continuation of the correspondence between yourself and Lord Clarendon on the subject of the extraordinary speech made by the attorney general of Great Britain, on the 23d of February, in the House of Commons.

The President is very well satisfied with your reply, which closes the discussion in a manner which is thought equally dignified and decisive.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1730.] DEPARTMENT OF STATE,
Washington, March 31, 1866.

SIR: Your despatch of the 15th of March, No. 1172, has been received. It gives an account of a conversation which you held on the 13th instant with

Lord Clarendon, on the subject of the questions which have been raised upon the arrest of American citizens, naturalized as well as native, in Ireland.

The friendly spirit manifested by Lord Clarendon in that conversation is appreciated. You have been already fully and distinctly informed of the views of this government, and it is supposed you will by this time have made them known to his lordship.

On the present occasion, therefore, I shall limit myself to three remarks:

First. I continue under the conviction that the United States cannot be expected to modify the views which they have heretofore expressed.

Second. That any parties who may wish to disturb the peace of Great Britain, either at home or in the provinces, might be expected to build high hopes largely upon any difficulties which should incidentally arise between that country and the United States upon, first, the naturalization question, and, second, upon questions of trade between the United States and the British American provinces, including among those questions the subject of the fisheries.

Third. Delay in coming to a reasonable and friendly understanding in regard to such incidental matters would probably be unpropitious.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1731.] DEPARTMENT OF STATE,
Washington, April 3, 1866.

SIR: I enclose herewith a copy of a communication which his excellency Frederick Smyth, governor of New Hampshire, addressed to me, in regard to the improper arrest and imprisonment in Ireland by the officers of her Majesty's government of Cornelius Healy, a citizen of the United States, upon a suspicion of being engaged in the Fenian movement. The state of the prisoner's health seems to render this case one of peculiar hardship, and one which requires prompt relief. With a view to this end I will thank you to bring it to the attention of the government of Great Britain. If the evidence submitted herewith is not considered sufficient to warrant her Majesty's government in releasing Mr. Healy, this government considers it desirable to become acquainted at the earliest convenient moment with the grounds upon which any justification of a continued detention of the prisoner is based.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Governor Smyth to Mr. Seward.

STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT.
Concord, March 20, 1866.

DEAR SIR: I am informed that Captain Cornelius Healy, a citizen of this State, and an officer of its militia, is now incarcerated in Ireland, by order of the British government, upon the suspicion of being engaged in the Fenian movement.

Captain Healy served for three years in our war against the rebellion as captain in the eighth regiment New Hampshire volunteers, and won the reputation of a brave and faithful officer.

On returning from the war, broken in health and still suffering from a disease contracted in the service, he was advised by his physician to take a sea voyage to Ireland, in the hope that it would favorably influence the disease under which he was suffering, and acting upon the suggestion, he started for that country a few months since, and, as I understand, was seized and imprisoned soon after his arrival.

It is quite impossible for Captain Healy, in his present condition, to endure even a brief period of imprisonment without the most imminent danger of serious and even fatal consequences, and I feel it my duty to urge upon you the utmost importance of immediate steps being taken by our government, through the proper officials, to bring this matter to the notice of the British authorities with a view to his early discharge and liberation.

Trusting that the subject will receive your immediate attention and appropriate action, I have the honor to be your obedient servant,

FREDERICK SMYTH,
Governor of New Hampshire.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D.C.

MANCHESTER, NEW HAMPSHIRE,
March, 1866.

This is to certify that I have been attending physician to Cornelius Healy, late captain of the eighth regiment New Hampshire volunteers, U. S. A., in which service he contracted "remittent fever," from which he suffered severely; so much so as to impair his health to the extent that I believed a sea voyage and change of air would be necessary to his perfect recovery, and believing such, recommended him to go to Ireland for the benefit of his health.

JOHN FERGUSON, *M. D.*

STATE OF NEW HAMPSHIRE, *County of Hillsborough, ss:*

MARCH 16, 1866.

Personally appeared John Ferguson, and made oath that the above certificate, by him subscribed, is true. And I certify that said Ferguson is a physician in good standing, and practicing in the city of Manchester, New Hampshire.

Before me:

JOHN T. MOORE,
Justice of the Peace.

STATE OF NEW HAMPSHIRE, *County of Hillsborough, ss:*

OFFICE OF THE PROBATE COURT FOR SAID COUNTY,
March 16, 1866.

I hereby certify that at the date of the attestation hereto annexed, John T. Moore was a justice of the peace in and for the county of Hillsborough, in the said State, duly commissioned and constituted, and to his acts and attestations as such, full faith and credit are and ought to be given in and out of court; and I believe the signature of the said John T. Moore to be genuine.

In witness whereof, I have hereunto set my hand and affixed the seal of the probate court, which I certify to be a court of record, of which I am the judge, duly appointed and commissioned, at the date above written.

[SEAL.]

DAVID CROSS,
Judge of the Probate Court of Hillsborough County, N. H.

I, John Ferguson, of Manchester, in the county of Hillsborough, and State of New Hampshire, on oath, depose and say that I am a physician, and have practiced in said Manchester during the past four years; that I was surgeon of the 10th regiment New Hampshire volunteers from August, 1862, to August, 1863; that I am and have been well acquainted with Captain Cornelius Healy, of said Manchester, during the past four years; that after his resignation as captain in the eighth regiment, New Hampshire volunteers, in 1864, I was his attending physician. He was suffering from "chills and fevers," a disease contracted while in the United States service, and all other means having failed in restoring him to health, I recommended him to go to Ireland, believing that a change of climate would be beneficial to his health. He accordingly sailed for Ireland in the autumn of 1865. It was upon a certificate of ill health, given by me, that he obtained his discharge from the army.

JOHN FERGUSON, *M. D.*

STATE OF NEW HAMPSHIRE, *County of Hillsborough, ss:*

Personally appeared the above-named John Ferguson, on this 21st day of March, A. D. 1866, and subscribed and made oath to the above deposition. I further certify that said John Ferguson is a physician of good reputation, in said Manchester, and all representations made by him are entitled to full faith and credit.

Witness my hand and official seal.

[SEAL.]
{ 2 cent rev. stamp. }

DAVID CROSS,
Judge of Probate for said County of Hillsborough.

PETITION

To the Honorable WILLIAM H. SEWARD *Secretary of State:*

Respectfully represent the undersigned citizens of New Hampshire, that Captain Cornelius Healy, of Manchester, in said State, was born in Ireland about the year 1835, and emigrated to the United States about the year 1847, settling in said Manchester, where he has since resided; that he became a citizen of the United States, and was elected and served as a member of the house of representatives in said State; that he was commissioned as first lieutenant, and afterwards as captain, in the eighth regiment New Hampshire volunteers, in which regiment he served with distinction from 1861 to the fall of 1864, when he was compelled to resign his position on account of ill-health. His constitution having become so impaired as to render his restoration to health doubtful, he was advised by his physician to visit Ireland for its benefit. (Physician's certificate enclosed.) He accordingly sailed for Ireland in the autumn of 1865.

Accordingly, to the best of our information and belief, he was arrested at Tralee, in the county of Kerry, Ireland, in the month of February, 1866, by the British authorities, and thrown into prison, where he now is. Believing that he is not guilty of the violation of any international law, or of any of the laws of Ireland or Great Britain, and that he has been unjustly imprisoned, and is now unlawfully held in confinement, we would respectfully petition that such necessary action may be taken in his case as will secure him his freedom and a speedy vindication of his rights as an *American citizen.*

FREDERICK SMYTH, Governor of New Hampshire.
WILLIAM G. CLARKE, Attorney General of New Hampshire.
JOHN HOSLEY, Mayor city of Manchester.
H. R. CHAMBERLIN, City Treasurer of Manchester.
JOSEPH E. BENNETT, City Clerk, city of Manchester.
SAMUEL UPTON, Justice of Police Court, Manchester.
D. J. CLARK, Postmaster, Manchester.
E. M. TOPLIFF, Associate Justice Police Court, Manchester.
ISAAC W. SMITH, Assessor Internal Revenue.
JAMES B. STRAW, Deputy Collector of Internal Revenue.
ISAAC W. FARMER, Assistant Assessor Internal Revenue.
JOSEPH NICHOLS, Inspector of Tobacco, Snuff, and Cigars.
GEORGE W. MORRISON, Attorney, Manchester, N. H.
WILLIAM W. BROWN, late Surgeon 7th N. H. volunteers.
E. W. HARRINGTON.
W. D. BUCK. M. D.
JAMES S. CHENEY, of Cheney & Co.'s Express.
JOHN G. SINCLAIR.
HERMAN FOSTER, Attorney at Law, Manchester.
L. B. CLOUGH Attorney at Law, Manchester.
HAWKES FEARING, late Colonel 8th N. H. volunteers.
WILLIAM R. PATTEN, late Captain 11th N. H. volunteers.
GEORGE H. HUBBARD, late Captain 10th N. H. volunteers
C. H. HURLBURT, Agent C. M. & L. R. R.
C. W. STRAIN, late Captain 10th N. H. volunteers.
JESSE F. ANGEL, late Major 10th N. H. volunteers.
J. C. YOUNG.
WALTER CODY, late Lieutenant 3d N. H. volunteers.
DAVID L. STEVENS, Deputy Sheriff.
JOSEPH B. CLARK, Hillsborough county.
E. S. CUTTER, City Solicitor of Manchester
DAVID CROSS, Judge of Probate for Hillsborough Co., N. H.
THOMAS CONNOLLY, late Major 8th N. H. volunteer infantry
PHINEAS ADAMS, Agent Stark Mills, Manchester, N. H.
JOHN KELLY, late Brevet Lieut. Col. and A. Q. M., U. S. V.
ISAAC WHITTEMORE.
GEORGE A. BARNES.
JOHN COUGHLIN, late Lieutenant Colonel 10th N. H. volunteers.

Mr. Adams to Mr. Seward.

No. 1178.] LEGATION OF THE UNITED STATES,
London, April 7, 1866.

SIR: There is no event to notice during this week, which has been one of repose for the holidays, customary at Easter, unless it be the publication in the newspapers of the Queen's letter to Mr. Peabody in acknowledgment of his great

benefaction to the poor industrious classes of London. This mode of proceeding is believed to be unexampled on the part of the sovereign. But it appears to be eminently fitting the occasion, and cannot but be an agreeable tribute to the person to whom it is addressed. Mr. Peabody, unlike most architects of their own fortunes, devotes his latter days to the duty of distributing what he has gathered while he yet lives. It is understood that he goes to America for the purpose of completing among his own countrymen the work he has commenced on this side among Englishmen. Thus he proposes to himself the novel and honorable purpose among philanthropists of earning by his munificence the gratitude of millions of future generations of the human race, equally in both hemispheres.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1737.] DEPARTMENT OF STATE,
Washington, April 10, 1866.

SIR: I send you a copy of a very suggestive letter from Mr. Richard D. Cutts, who, perhaps, you are aware, was employed, as surveyor for marking, on the part of the United States, the fishery limits under the reciprocity treaty. Mr. Cutts's long familiarity with that subject practically and theoretically entitles his suggestions to respect.

It is desirable to avoid any collision or misunderstanding with Great Britain on the subject growing out of the termination of the reciprocity treaty. With this view I enclose a draft of a protocol, which you may propose to Lord Clarendon for a temporary regulation of the matter. If he should agree to it it may be signed. When signed it is desirable that the instructions referred to in the concluding paragraph should at once be despatched by the British government.

As the fishing season is at hand, the collisions which might be apprehended may occur when that season advances.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Cutts to Mr. Seward.

WASHINGTON, *April* 7, 1866.

SIR: For a full understanding of the differences which now exist in regard to the rights which belong to American fishermen, in the seas bordering the British North American colonies, it is necessary to refer to the treaties and negotiations which preceded the convention of 1818, so far as they relate to the fisheries.

DEFINITIVE TREATY OF PEACE, 1783.

ARTICLE 3. "It is agreed that the people of the United States shall continue to enjoy, unmolested, the right to take fish of any kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and, also, that they shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island; and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America."

In the treaty of Ghent, terminating the last war with Great Britain, no allusion was made to the subject of the fisheries.

In July, 1815, complaint was made that American fishing vessels, engaged in the cod-fishery off the coast of Nova Scotia, had been ordered away by a British sloop-of-war, and this act, while it was declared to be totally unauthorized by his Majesty's government, led to a correspondence between our minister at London (John Quincy Adams) and Lord Bathurst, in which the United States adhered to the right and liberty of fishing, as secured by the treaty of 1783, on the ground that those rights and liberties were not grants from the King, but the permanent results of a partition of rights at the time of the separation of the two countries, and contended, therefore, that they could not be impaired by a state of war. On the other side it was asserted that while the right described in the treaty may not have been impaired, the "liberties" were a concession dependent on the treaty, and as the treaty was abrogated by the war, so also were the "liberties."

CONVENTION OF 1818.

At the third conference held between the American and British plenipotentiaries—Messrs. Gallatin and Rush on the part of the United States, and Messrs. Robinson and Gouldburn on the part of Great Britain—the former presented a proposition in regard to the fisheries in almost the identical language of the 1st article of the convention, afterwards adopted, with the understanding that the liberty of fishing therein described should be considered as a *permanent right, and not to be abrogated by the mere fact of a war between the two parties.*

At the fifth conference a counter project was submitted by the British plenipotentiaries, not materially differing from the above, except that the renunciatory clause was omitted, and the following paragraph added:

"And in order the more effectually to guard against smuggling, it shall not be lawful for vessels of the United States engaged in the said fishery to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of the fishery, a support of the fisherman while engaged therein, or in the prosecution of their voyages to and from the said fishing grounds. And any vessel of the United States which shall contravene this regulation may be seized, condemned, and confiscated, together with her cargo."

In regard to this paragraph, and to another referring to fishing at the mouths of rivers, Messrs. Gallatin and Rush presented the following remarks:

"Whatever extent of fishing ground may be secured to American fishermen, the American plenipotentiaries are not prepared to accept it on a tenure, or on conditions different from those on which the whole has been heretofore held. Their instructions did not anticipate that any new terms or restrictions should be annexed, as none were suggested in the proposals made by Mr. Bagot to the American government. The clauses forbidding the spreading of nets, and making vessels liable to confiscation, *in case any articles not wanted for carrying on the fishery should be found on board, are of that description, and would expose the fishermen to endless vexations.*"

At the seventh conference held on the 13th October, 1818, the British plenipotentiaries submitted a second counter project, conforming with the views and free from the obligations presented by Messrs. Gallatin and Rush, and this project being agreed to constituted the 1st article of the convention, as follows:

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors and creeks of his Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of said United States shall have forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Ramea islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbors and creeks, from Mount Goly, on the southern coast of Labrador, and through the straits of Belle Isle, and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador. But, so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at any such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground; and the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish, or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America, not included within the above mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them."

The differences which have heretofore arisen between the United States and Great Britain,

touching the exercise of the rights and liberties secured to American fishermen, may be classed under two principal heads:

1. As to the construction of the renunciatory clause of the convention.

Under this clause Great Britain has contended that no American fishermen has the right to fish within three marine miles of the entrance to any "bay," which "from its geographical position may be properly considered as included within the British possessions," and that the entrance to such bay must be designated by a line drawn from headland to headland. In support of this construction it has been urged that "if the convention was intended to stipulate simply that American fishermen should not take fish within three miles of the coast, there was no occasion for using the word *bay* at all, but the proviso at the end of the article shows that the word 'bay' was used designedly, for it is expressly stated in that proviso that, under certain circumstances, the American fishermen can enter *bays*, by which is evidently meant that they may, under these circumstances, pass the sea-line which forms the entrance to the bay."

According to this construction, so undefined and indefinite, the bays of Fundy and Chaleur, or any extent of the sea lying between distant headlands, may be reserved under the name of bay, for the exclusive use of British fishermen.

The United States are firmly opposed to such a construction, believing it to be totally unauthorized by the language or intention of the convention, or by the right acquired by usage. In the opinion of this government, repeatedly announced at different periods, the American fishermen have a clear right to the use of the fishing grounds lying off the provincial coasts, whether in the main ocean or in the inland seas, provided they do not approach within three marine miles of such coasts, or of the entrance to any bay, creek, or harbor not more than six miles in width; and to such bays only does the renunciatory clause in the first article apply. They object to the British construction on the ground that, if such arms of the sea as the bays of Fundy and Chaleur, or such curves in the coast as the bay of Miramichi, or such part of the sea included between headlands as the wide indentation on the coast of Cape Breton, lying between Cape North and Cape Percy, were the "bays" renounced, there would be an inconsistency if not a clear contradiction in the very next sentence of the article, which authorizes American fishermen "to enter *such bays* for the purpose of shelter and of repairing damages." It can hardly be contended that "shelter" can be obtained in the bay of Fundy, an arm of the sea forty miles wide and one hundred in length, or that either shelter, wood, or water can be obtained, or damages repaired, in the curve of the coast between the headlands of St. Escumenac and Blackland Point, designated on the chart as the bay of Miramichi. It is objected to, also, for the reason that it would permit the drawing of lines anywhere in the gulf or on the coast from headland to headland, any one of which could be made to embrace, at one sweep, many bays, creeks, and harbors, besides a portion of the high seas, and from which the American fishermen could be kept an indefinite distance, and be thereby driven from the fishing grounds.

Moreover, it is believed that while the British construction is not necessary to secure to the people of the provinces the in-shore fisheries, or to protect their rights of property, or their territorial jurisdiction, all of which are amply secured by the three marine miles restriction, it would materially restrict the full enjoyment of the right which we possessed before the Revolution, which was acknowledged in the definitive treaty of peace, which was not affected by the treaty of Ghent, and which, according to the decision of Great Britain, expressed in the correspondence which preceded the convention, was not abrogated by the war of 1812. That *right* is "to take fish" of any kind "in the gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish." No construction liable to such indefinite extension or application can be correct or be allowed.

In 1845 her Majesty's government receded from the above position, so far as the bay of Fundy is concerned, and from that date our right of fishery in that bay has not been a matter of dispute. It is now open to American fishermen, to be used in the same manner as the more open sea; provided, however, that they do not take fish within three marine miles of the coasts or of the entrance to any bay, creek, or harbor of Nova Scotia or New Brunswick, between which two provinces that arm of the sea extends.

2. As to the restrictions imposed by the colonies to prevent the privileges of shelter, &c., from being abused by American fishermen.

The fishermen of the United States are frequently compelled by rough weather, or by injuries to their vessels received in a gale, or in consequence of collision or other accident, to seek the nearest port for shelter and repairs. And it is also necessary at stated intervals, while they are engaged during the summer and fall in following their avocation, that they should take on board a resupply of wood and water; and for either of these purposes they have the right, so long as the convention continues in force, to resort to the bays and harbors of the different provinces.

Some of the colonial laws, especially those of Nova Scotia, enacted to prevent the abuse of these privileges, are of such a stringent character as to almost annul the right, or make it at least hazardous for American fishermen to attempt to enjoy it. Seizures are made on the slightest suspicion, or on false pretences or charges; heavy bonds are required before suit can be instituted to recover; the owner of the vessel must bring the charges, and, if unsuccessful, he is mulcted in treble costs, besides the loss of vessel and cargo.

In this connection it must be borne in mind that a proposition was made to introduce into the convention a stipulation that "it shall not be lawful for the vessels of the United States, engaged in the said fishery, to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of the fishery or support of the fishermen," &c., and that this proposed stipulation having been objected to by Messrs. Gallatin and Rush, on the ground that it "would expose our fishermen to endless vexations," it was withdrawn by the British plenipotentiaries.

Such was the condition of the controversy between the United States and Great Britain as to the limits of our right of fishery on the provincial coasts, and such the severe restrictions, amounting almost to prohibition, on the privilege of entering bays and harbors for shelter, wood, or water, previous to 1854, the date of the late reciprocity treaty with Great Britain. That treaty having expired on the 17th of March last, the American fishermen must fall back upon their rights, as thus explained, and as heretofore enjoyed.

I have the honor to be, very respectfully, your obedient servant,

RICHARD D. CUTTS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[PROTOCOL.]

Whereas in the 1st article of the convention between the United States and Great Britain, concluded and signed in London on the 20th of October, 1818, it was declared that "the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within certain limits heretofore mentioned;" and whereas differences have arisen in regard to the extent of the above mentioned renunciation, the government of the United States and her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment of a mixed commission for the following purposes, namely:

1. To agree upon and define by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coasts and in the seas adjacent of the British North American colonies, in conformity with the 1st article of the convention of 1818; the said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible, for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted:

Provided, however, that the limits, restrictions, and regulations which may be agreed upon by the said commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and her Majesty the Queen of Great Britain, either by treaty or by laws, mutually acknowledged and accepted by the President of the United States, by and with the consent of the Senate, and by her Majesty the Queen of Great Britain.

Pending a definitive arrangement on the subject, the United States government engages to give all proper orders to officers in its employment, and her Britannic Majesty's government engages to instruct the proper colonial or other British officers to abstain from hostile acts against British and United States fishermen respectively.

Mr. Adams to Mr. Seward.

No. 1179.] LEGATION OF THE UNITED STATES,
London, April 12, 1866.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1715 to 1723, with the exception of number 1721.

The reassembling of Parliament is the signal for the marshalling of the contending forces in the expected struggle about the extension of the franchise. In the interval made by the Easter holidays material changes have happened in the

face of affairs which render the prospects of the ministry more favorable than they were. The popular sentiment has been appealed to with some appearance of success. The declarations made by Mr. Gladstone in his speeches at Liverpool leave little alternative to the liberal members but to accept the situation or to risk an appeal to the constituency, with slight hope of the permanency of any conservative cabinet which might be organized out of a new Parliament. The change of temper has been made visible in the very strong rally of the party at the call of Lord Russell, and in the return to the fold of most of the wavering and faint-hearted. There is now little doubt entertained that the bill will not be defeated on a direct vote. The tactics of the disaffected must, therefore, be directed to the object through these forms of legislative proceeding, which so often in public assemblies reach the same result by circuitous means.

Whatever may be the immediate result, it is impossible not to perceive that the conservative party, which had for a time gathered a little adventitious strength from the struggle in America, has now lost that advantage, and shows itself at last in its true diminished proportions. The disappearance of Lord Palmerston from the scene, and the final assumption of a new position by Mr. Gladstone, render the progress of the country one stage more towards a popular form of government tolerably certain. Much as the aristocracy reluct against this tendency, it is inevitable, provided the condition of the United States gives no ground for exciting fictitious alarm among the middle classes, which really hold the balance of power. The operation of this influence is not to be mistaken, any more than the fact that the popular impression, made by the issue of the war, has given it accumulated force. Mr. Gladstone has given expression to this idea in his speech at Liverpool, in a striking way. I do not thus far find that any individual makes his appearance on the opposite side at all equal to resisting this tendency. It is quite certain that both Mr. Lowe and Mr. Horsman have greatly overrated their strength in undertaking it.

I shall take care to transmit to you the daily report of the Times of the progress of the debate in the House of Commons.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1181.] LEGATION OF THE UNITED STATES,
London, April 12, 1866.

Sir: In order to carry out the purpose mentioned in your despatches Nos. 1717, 1719, and 1723, I asked an interview with Lord Clarendon, which was granted to me yesterday, (Wednesday,) at 3 o'clock.

I began by endeavoring to recall to his memory the different interviews I had had with him on the Fenian disturbances, and the precise position in which the matter stood at each, in order that I might more completely fix in his mind the date of your despatches. This done, I explained the relation which your No. 1709, marked confidential, of the 10th of March, bore to the conversations between us, and the events that have since taken place, as also the reason why you had directed me now to make the communication of that paper to him. All this being understood, I proceeded to read it to him. His lordship appeared to be much gratified by its contents, and asked me if I would let him have it for a short time to show confidentially to his colleagues, as he feared he might not be able to do full justice to its terms if he were to trust only to his memory. I said that as I had been directed to make the communication to him, it seemed

to me quite within my authority to accede to his request. I did so with pleasure.

I then remarked that there was still the latter portion of our transactions on this subject, my report of which had not reached Mr. Seward at the latest dates. This embraced the assent given by his lordship to the general policy which had been suggested as expedient to regulate the cases that might arise in Ireland out of the Fenian disturbance. I had perceived that it had already been carried out in part by the liberation of several of the persons who had been arrested. To this his lordship assented. He added that it was the disposition of the government to carry out this purpose so far as it could be done consistently with their security. I said I was very glad to learn this, because some difficulties had presented themselves to Mr. Seward in the action taken by the authorities in Ireland, as it appeared from the official correspondence with the consul in Dublin, which might, perhaps, become grave. This more particularly related to the distinction made between the native and naturalized Americans in regard to the degree of Mr. West's right of access to them. I then read to him the substance of your despatch No. 1717, of the 22d of March. His lordship then went into some reasoning to prove that the government could not, consistently with their theory of allegiance, recognize any right on the part of Mr. West to visit the naturalized Irishmen. Here he repeated much of what he had said in our earlier conversation. I then pointed out to him the inexpediency of raising that when there seemed little necessity for it. The distinction made in these cases was purely invidious and embarrassing to my government, without doing any good to them. It appeared that Mr. West might visit native Americans, but he was not allowed to do the same in the case of Irish-born naturalized citizens. Yet he was permitted to correspond with these last, which virtually conceded the point of communication. Surely, then, the question became reduced to so slight a difference that no serious principle could be involved in the additional concession. If he could write, how would it be worse that he should be able to speak to these people?

His lordship apparently saw the folly of this distinction, and waived further discussion of the matter, as it seemed to me, with an intention quietly to remove the difficulty.

I then called his attention to the case of John A. Commerford, embraced in your despatch No. 1723, of the 26th March. This person had been held to be an Irish naturalized citizen, at Dublin. Such was the reply to Mr. West's representation in his case. I said I might have made it the subject of a note in form, but I preferred on the whole not to take that course, at least, before I had mentioned the matter to his lordship. The papers connected with the despatch seemed to me pretty well to establish the fact that Mr. Commerford was a native American, and that he was innocent of all evil intention. In which case I strongly hoped that he might be released. I had brought copies of them, which I proposed to leave with his lordship, if he would permit me, for his consideration; and I hoped that if they produced the same effect on him that they had on me, there would be no further obstacle to his liberation. His lordship said that he would very cheerfully take them, and send them to Ireland for the consideration of the authorities there. There were so many false allegations made by the prisoners on that subject that much suspicion rested on the accuracy of all of them. He did not, however, doubt that if my impression should prove correct, the case would be acted upon at an early moment.

There was some other general conversation upon the course taken towards the government at Washington in the present difficulty. His lordship intimated that much pressure had been put upon members of the cabinet by individuals in both houses of Parliament to bring about some formal remonstrances with us against permitting the Fenian demonstrations to go uncensured. The propriety of a proclamation by the President was suggested. In all these cases he had

distinctly declared his policy, which was to abstain from any application to the American government whatever. There had not been a line written to Sir Frederick Bruce to be communicated. So long as no hostile act was attempted in any direction, they preferred to trust the friendly disposition of the government, without embarrassing them by complaints, or by asking for measures which might, if resorted to, do more harm than good. In the present condition of the movement a proclamation might be seized upon by the agitators as a pretext for laying the defeat of their schemes to that cause, and relieving themselves from the odium of their failure. I said that, in my opinion, that was clearly the wisest course. The Fenian movement seemed to me to have no root in the soil in America. With the defeat of all chance in Ireland it could not long flourish there. The prisoners were now all anxious to compound to leave the island, if they could only be released. This I regarded as a sign of complete despair. Under such circumstances the agitation could not be much longer kept up. It was better to let it meet with a natural death.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1182.] LEGATION OF THE UNITED STATES,
London, April 14, 1866.

SIR: In connection with your despatch No. 1723, of the 26th of March, and with my No. 1181, of Thursday's date, relating to the case of John A. Commerford, I have now the satisfaction to report that by a private note received from Lord Clarendon last evening, I learn that he has been released by the authorities at Dublin, on condition that he leaves the country.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No 1738.] DEPARTMENT OF STATE,
Washington, April 17, 1866.

SIR: Referring to instruction No. 1737, of the 11th of this month, relative to the fishery question, growing out of the termination of the reciprocity treaty, I now transmit for your information a copy of a report made by this department to the President, in answer to a resolution of the House of Representatives, of the 10th instant, requesting information on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

DEPARTMENT OF STATE,
Washington, April 12, 1866.

The Secretary of State to whom was referred a resolution of the House of Representatives of the 10th instant, in the following words: "*Resolved*, That the President of the United States be respectfully requested to inform this House what steps have been taken to protect

the rights and interests of American citizens in the fishing grounds adjacent to the British provinces, and whether any legislation or other action on the part of Congress is, in his judgment, necessary to secure these rights and interests in consequence of the abrogation of the reciprocity treaty of 1854," has the honor to report:

That the Secretary of the Navy has, by the President's direction, taken preparatory measures for sending seasonably a naval force to the fishing grounds adjacent to the British North American provinces, which force, it is believed, will be adequate to protect the rights and interests of American citizens against any unlawful violence.

It is proper to state, however, that this department has reason to believe that there are at present no good grounds for apprehending any collision or any necessity for the employment of force.

The attention of the President, and also the attention of her Majesty's government, has been directed to the question, whether negotiation or legislation could be advantageously employed in adjusting the differences which have heretofore existed between the United States and Great Britain concerning the fisheries. The measures taken in that regard are not sufficiently matured to render it expedient or beneficial to suggest any form of special action by Congress at the present time.

Respectfully submitted:

WILLIAM H. SEWARD.

The PRESIDENT.

Mr. Adams to Mr. Seward.

No. 1183.] LEGATION OF THE UNITED STATES,
London, April 19, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered 1721, and from 1724 to 1731, inclusive; likewise a set of the second edition of the diplomatic correspondence from 1776 to 1789, in nine volumes.

In accordance with the desire expressed in number 1721, of the 25th of March, I have communicated to Lord Clarendon a copy of the letter of Mr. Savage, which came enclosed.

I have the honor to be, sir, your obedient servant,

CHARES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, April 16, 1866.

MY LORD: I have the honor to transmit a copy of a letter addressed by the United States consul general at Havana, in the island of Cuba, to the Secretary of State, Mr. Seward, relative to a certain number of Africans lately found in an uninhabited part of that island, and carried into Havana by the Spanish steamer Neptuno. I am instructed to lay the same before your lordship for the information of her Majesty's government.

I pray your lordship to accept, &c., &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable the EARL OF CLARENDON, *&c., &c., &c.*

Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *April* 23, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, enclosing a copy of a despatch addressed by the United States consul general at Havana to Mr. Seward, reporting that the Spanish steamer Neptuno had brought into that port 275 Africans, who were found on an uninhabited part of the island of Cuba, and I beg leave to request that you will convey to Mr. Seward the thanks of her Majesty's government for this communication.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1184.] LEGATION OF THE UNITED STATES,
London, April 19, 1866.

SIR: With reference to the application of Governor Smyth, of New Hampshire, in behalf of Cornelius Healy, transmitted to me with your despatch No. 1731, of the 3d of April, I have the honor to report that the individual referred to was discharged on the representation of Mr. Eastman, the consul at Cork, so long ago as the 7th of March last, on the condition that he should leave the country.

I am now inclined to believe that little further difficulty is to be apprehended from the questions involved in the late suspension of the *habeas corpus* act in Ireland.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1186.] LEGATION OF THE UNITED STATES,
London, April 19, 1866.

SIR: I transmit herewith a copy of the London Times of the 18th instant, containing a report of the proceedings in the suit against the steamers Sumter and Rappahannock. I presume that a more full report will be made by the professional gentlemen engaged on behalf of the government through Mr. Dudley, the consul at Liverpool, who, in the absence of Mr. Cushing, has had these matters in charge.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Times, April 18, 1866.]

ADMIRALTY COURT—APRIL 17.

(*Before the Right Honorable* DR. LUSHINGTON)

THE GIBRALTAR, OTHERWISE SUMTER.

This was a suit on behalf of the government of the United States of America as plaintiffs to obtain possession of this vessel. The vessel had been purchased in the year 1861 by the then government of the Confederate States of America, and having been armed and otherwise equipped, proceeded to sea and cruised in the West Indies and elsewhere, and captured divers vessels belonging to subjects of the United States. In the month of January, 1862, she put into the port of Gibraltar, where she was sold to Melchior George Klingender, who subsequently employed her in running the blockade, in which service she continued until the close of the war, when, having put into Liverpool, she was arrested in this suit. No appearance had been entered on behalf of any person as owner to dispute the right of the plaintiffs, and the usual notices having been given, the court was now moved to decree possession of her to the plaintiffs.

The Admiralty advocate, Mr. Brett, Q. C., and Mr. E. C. Clarkson appeared on behalf of the plaintiffs.

The court decreed possession as moved.

THE BEATRICE, OTHERWISE RAPPAHANNOCK.

A similar suit has also been instituted against this vessel, but the cause is defended, and still undetermined, and shortly after its institution a second suit was commenced to obtain

payment for ropes and other supplies furnished to the vessel, and in the second suit the defendants, the American government (who are the plaintiffs in the suit for possession,) had pleaded substantially the same allegations upon which they rely in their pleadings in the other suit.

Mr. Pritchard moved the court to direct that as there were in effect the same averments in both suits, the suit for necessaries should be suspended till after the decision in the previous cause.

The Admiralty advocate, Mr. Brett, Q. C., and Mr. E. C. Clarkson appeared in opposition to the motion.

The court was of opinion that inasmuch as the application was opposed, the court had no right to enforce a suspension of the suit, unless such a course were required by the circumstances of the case, which could scarcely be said in the present instance.

Motion refused.

Mr. Adams to Mr. Seward.

No. 1187.] LEGATION OF THE UNITED STATES,
London, April 19, 1866.

SIR: The debate in the House of Commons on the enfranchisement bill continues, and the probabilities now are that it will not terminate before the latter part of next week. Meanwhile, a considerable change in opinion has taken place respecting the chances of its passage. The defections from the ministerial side are becoming more and more marked. It is even doubted whether the amendment of Lord Grosvenor may not be carried, in which case a change of the government will immediately follow. But should this danger be passed, the fate of the bill, in committee, in any shape that the ministry can adopt, is held to be certain; so far as I can learn, no dissolution of Parliament is anticipated, until after the experiment of conducting affairs under some combination or other of the disaffected materials shall have had full opportunities of trial. At this moment it is not easy to perceive how any fusion of principles can be made which will long stand the test of a discussion of measures quite apart from the question of the franchise. Although opinion points distinctly to the Earl of Derby as the nominal chief, the expectation seems to be that the more liberal ideas of his son, Lord Stanley, will be made the shield under which the recalcitrant whigs will have an opportunity to seek protection against the opposition of Messrs. Gladstone, Bright, and the rest of their old associates. The progress of this struggle, as it has a bearing upon the ultimate form to be assumed by the institutions of the country, cannot fail to be of great interest.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1740.] DEPARTMENT OF STATE,
Washington, April 21, 1866.

SIR: Mr. M. R. Clark, of New York, on the 16th instant, addressed a communication to this department, relative to the arrest at Dublin, and confinement in Mountjoy, of his son-in-law, Lieutenant Colonel Burke, who it appears from the statements accompanying that communication served with honorable distinction in the Union army during the rebellion. On the same authority it also appears that the wife of Colonel Burke being an invalid, the attending physician recommended a sea voyage as necessary for the restoration of her health; that with this object in view they went to Ireland, and that after arriving there

the colonel was arrested and thrown into prison, on suspicion of being concerned with the Fenian movement. You will be pleased to invite the attention of the British government to this representation of the case, and should it be found to be correct, it is not doubted that his release will be promptly granted. In any event you will exercise such unofficial good offices in favor of Colonel Burke as may in your judgment be warranted by the merits of the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1742.] DEPARTMENT OF STATE,
Washington, April 21, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 7th instant, No. 1178, upon the subject of the action of the Queen with reference to the liberality extended by Mr. Peabody to the poor of London.

I think that the munificent proceedings of Mr. Peabody will illustrate an honorable fact in the history of the American people, namely, that they are able to rise above unjust and injurious jealousies of the British nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

Mr. Seward to Mr. Adams.

No. 1743.] DEPARTMENT OF STATE,
Washington, April 23, 1866.

SIR: At the instance of the government of Great Britain, Mr. Ellis, her Majesty's chargé d'affaires at Paris, in a note of December 19th, to Mr. Bigelow, states that her Majesty's board of treasury will be prepared to receive the first instalment, amounting to five hundred thousand dollars, of the Simonoseki indemnity which has been paid by the Japanese government, and to hold it in deposit, subject to future arrangements as to its distribution, and that the board further propose that the money should be at once paid into the commissariat chest at Yokohama, in which case an equivalent amount in sterling will be available in England, distributed among the powers, and that he has been instructed to propose to Mr. Bigelow that the money should be remitted to Europe in the manner suggested by the board of treasury.

At the instance of the French government, Mr. Drouyn de Lhuys states, in a verbal note to Mr. Bigelow, that with reference to the Simonoseki affair, it is stated in a telegraphic despatch, dated Shanghai, December 8, from Sir Henry Park, that the Mikado had approved the treaties, and modification of the tariffs had been obtained; the opening of the port of Hiogo was again guaranteed, and the indemnity was to be punctually paid.

With reference to a division of the indemnity, a proposition of the Emperor's government was withdrawn, it appearing that the British cabinet was more in favor of an equal division of the whole of the indemnity among the four powers. The government of the Emperor makes no difficulty in adopting this plan, and is ready, should this system of division be adopted also by the government of the United States, to apply it to the five hundred thousand dollars already paid in by the Japanese government, as the first instalment of their indemnity.

On the 12th of February last Mr. Bigelow was informed by this department that the proposal was concurred in by the Executive, subject to the constitutional approval of the Senate of the United States, and at the same time he was instructed to regard that proposal as definitively accepted by this government.

At the instance of the British government, Lord Cowley, on the 13th ultimo, informed Mr. Bigelow that the second instalment should be remitted to Europe, in conformity with the arrangement suggested in the letter which Mr. Ellis addressed to Mr. Bigelow on the 19th of December last in regard to the first payment.

The treaty having never been ratified, you are instructed to inform Earl Russell of your authority to receive the share of the instalments already paid, which is due to this government, and upon its receipt by you, will place the amount with the Messrs. Baring Brothers & Company, at London, to the credit of the Secretary of State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1746.] DEPARTMENT OF STATE,
Washington, April 25, 1866.

SIR: The almost total cessation of the African slave trade, since the promulgation of the treaty between the United States and Great Britain, of the 7th of April, 1862, inspires a hope that perhaps the mere existence of that instrument may be enough to deter those wrongdoers who had previously engaged in that trade from undertaking new enterprises. Subjects of Spain or Portugal, tempted by the gains which resulted from furnishing native Africans to the planters of Cuba or Porto Rico, were almost the only parties implicated in the traffic. And as the authorities of those islands seem of late to have been honest in their endeavors to comply with the treaty stipulations of Great Britain with Spain, by which it was agreed to put an end to it, it appears to be now worthy of consideration by this government, and that of her Britannic Majesty, whether they may not prudently and in good faith adopt measures for lessening the expense consequent upon keeping the large naval force on the coast of Africa and the West Indies, whose business it is to suppress the traffic. Mr. G. V. Fox, the Assistant Secretary of the Navy, is about to visit England, and as he is familiar with the whole subject, it is suggested that you present him to Lord Clarendon, in order that there may be an informal conference in regard to it.

I remain, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1747.] DEPARTMENT OF STATE,
Washington, April 28, 1866.

SIR: I enclose, herewith, a communication of the 21st instant from Mr. Joshua T. Owen, of Philadelphia, in regard to the alleged improper detention at Dublin of Michael Kirwan, late colonel in the United States army, by the British government. I will thank you to bring the case to the attention of the Earl of Clarendon, and request that the matter may be investigated, with a view

either to the release of Mr. Kirwan or an explanation of the determination which may be considered sufficient to prolong his imprisonment. I have been hoping for an answer to my claim upon the subject of naturalized Irishmen. The subject is of great importance, and the delay of adjustment is regarded with a sense of concern.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Owen to Mr. Seward.

PHILADELPHIA, *April* 21, 1866.

SIR: I have the honor to submit to you the enclosed papers and statement of the grievances of Colonel Michael Kirwan, late of our army, and to ask for your interposition in his behalf with as much expedition as you may judge the circumstances of the case demand at your hands.

Statement.

Colonel Kirwan served with distinction in the cavalry, having entered the service originally as a private in the twenty-fourth regiment Pennsylvania volunteers, which I commanded. In January last, after having been honorably discharged from the service of the United States, he concluded to visit Ireland, his native country, hoping thereby to recuperate his health, which had been much impaired by his arduous duties in the field. Shortly after his arrival there he was arrested by the British government and thrown into prison, where he has remained ever since. He knows not with what crime he is charged, and although he has formally applied for the interference of the American consul, he has thus far failed to obtain his release, the authorities claiming that he is a British subject.

The assumption that he is a subject of Great Britain is based upon the fact that he *was born in Ireland.* But you will see by reference to the document herewith enclosed that his father, John Kirwan, was admitted to become a citizen of the United States on the 29th day of October, A. D. 1856, while his son, Colonel Michael Kirwan, was under age, (he being but twenty-nine years old at the present time,) who, by the law of the land, became a citizen of the same upon attaining his majority. The government of the United States is, therefore, committed to his protection as such, and in honor bound to claim his release unless he has forfeited its protection by the commission of some crime. He emphatically denies that he has committed any act justifying his arrest; and, moreover, denies that any papers or anything was found upon his person or in his possession tending to implicate him in any revolutionary movement; but that, on the contrary, he was observing the laws of the land, and abstaining from all connection with suspicious persons.

He prays, therefore, that you will cause a demand to be made upon the government of Great Britain for his release from prison; and that you will also demand satisfaction for this great outrage upon a citizen and faithful servant of the republic.

I am, with great respect, your obedient servant,

JOSHUA T. OWEN,
Attorney at Law, No. 522 *Walnut street, Counsel for Complainant.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Muster-in roll of Michael Kirwan, colonel of the thirteenth regiment, —brigade, of Pennsylvania cavalry volunteers, commanded by Major Michael Kirwan, called into the service of the United States by the President from the 15*th day of July,* 1864, (*date of this muster,*) *for the term of three years, unless sooner discharged.*

Name, Michael Kirwan; rank, colonel; age, 28.

Joined for duty and enrolled: when, July 15, 1864; where, Light-house Point, Virginia; by whom enrolled, Captain C. Treichel: period, three years.

Remarks.—Promoted from major to colonel thirteenth Pennsylvania cavalry, *vice* Colonel S. H. Gallagher, discharged October 7, 1863.

This muster to date July 15, 1864.

STATION, LIGHT-HOUSE POINT, *July* 20, 1864.

I certify on honor that I have carefully examined the officer whose name is borne on this roll, and have accepted him into the service of the United States for the term of three years, unless sooner discharged, from the 15th day of July, 1864.

CHARLES TREICHEL,
Captain and A. C. of M., Mustering Officer.

PHILADELPHIA, *April* 14, 1866.

I herewith certify that Michael Kirwan, late colonel thirteenth regiment Pennsylvania cavalry, was, on his leaving the service, in a delicate state of health from malarial and other influences, and that, in my opinion, it was judicious for him to visit Ireland for the sake of his health.

GEORGE B. SUMMIS, M. D.,
Late Surgeon Thirteenth Regiment Pennsylvania Cavalry.

UNITED STATES OF AMERICA:

Be it remembered, that, at the district court for the city and county of Philadelphia, held at Philadelphia, in the Commonwealth of Pennsylvania, in the United States of America, on the 29th day of October, in the year of our Lord 1856, John Kirwan, a native of Ireland, exhibited a petition praying to be admitted to become a citizen of the United States, and it appearing to the said court that he had declared on oath before the clerk of the court quarter sessions, on the 28th day of October, A. D. 1854, that it was *bona fide* his intention to become a citizen of the United States, to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the Queen of Great Britain and Ireland, of whom he was at that time a subject; and the said John Kirwan having on his solemn oath declared and made proof, &c., &c., that he had resided one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years, immediately preceding his application, &c., &c., and having declared on his solemn oath that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, &c., &c., and having in all respects complied with the laws in regard to naturalization, thereupon the court admitted the said John Kirwan to become a citizen of the United States, &c., &c.

In witness whereof, I have hereunto affixed the seal of the said court, at Phila-
[L. S.] delphia, this 29th day of October, 1856, and of the sovereignty and independence of the United States of America the eighty-first.

JOHN FLETCHER, *Prothonotary.*

PHILADELPHIA, 20th Ward, *October* 8, 1861.

Received of Michael Kirwan twenty-five cents for personal tax and city taxes for the year 1861.

AQUILA HAINES, *Alderman.*

PHILADELPHIA, 20th Ward, *May* 4, 1858.

Received of Michael Kirwan twenty-five cents for personal city taxes for the year 1858.

AQUILA HAINES.

We, the assessors of 20th ward, Philadelphia, Pennsylvania, do hereby certify that Michael Kirwan, a colonel in company — 13th regiment Pennsylvania cavalry, has been duly assessed in said ward, and charged with ten cents county tax, in pursuance of the act of assembly entitled "An act to regulate elections by soldiers in actual military service," approved August 25, 1864.

Witness our hands this 30th day of September, A. D. 1864.

E. HERITAGE,
JOS. MOUNTAIN, Jr.,
Assessors.

Received, October 8, A. D. 1864, of Michael Kirwan, twenty-five cents in full of the county tax assessed and charged against him under the act of assembly above mentioned.

AQUILA HAINES, *Alderman.*

Muster-out roll of Michael Kirwan, major of the 13th regiment of Pennsylvania cavalry volunteers, commanded by Major Michael Kirwan, called into the service of the United Sates by the President, at Baltimore, Maryland, the place of general rendezvous, on the —— day of July, 1862, *to serve for the term of three years from the date of enrolment, unless sooner discharged, from the 29th day of February,* 1865, *(when last paid,) to the 14th day of July,* 1864, *when discharged.*

Name, Michael Kirwan; rank, major; age, twenty-eight.

Joined for service, and enrolled at general rendezvous: when, April 16, 1862; where, Philadelphia, Pennsylvania; by whom, Lieutenant Pierce; period, three years.

Mustered into service: when, October 22, 1862; where, Baltimore, Maryland; by whom Colonel Beals.

Last paid by Paymaster Major Clarke; to what time, February 29, 1864.

Remarks.—Promoted from major to colonel, 13th Pennsylvania cavalry, *vice* Colonel S. H. Gallagher; discharged October 7, 1863.

This muster to date July 14, 1864.

STATION, LIGHT-HOUSE POINT, VIRGINIA, *July* 20, 1864.

I certify on honor that I have at Light-house Point, Virginia, on this 20th day of July, 1864, carefully examined this roll, and, as far as practicable, caused the allowances, stoppages, and remarks to be justly and properly stated, and mustered the officer for discharge, and he is hereby honorably discharged from the service of the United States, to accept promotion.

CHARLES TREICHEL,
Captain and A. C. of M., Mustering Officer.

[L. S.] PENNSYLVANIA, *ss:*

IN THE NAME AND BY THE AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA, ANDREW G. CURTIN, GOVERNOR OF THE SAID COMMONWEALTH,

To all to whom these presents shall come, sends greeting:

Know ye that Michael Kirwan, of the county of Philadelphia, having been duly appointed by me, the said Andrew G. Curtin, colonel of the 13th regiment cavalry, Pennsylvania volunteers, mustered into the service of the United States, for the defence of the general government, I do commission him to rank as such, from the 7th day of October, A. D. 1863.

He is, therefore, carefully and diligently to discharge the duty of colonel, by doing and performing all manner of things thereunto belonging. This commission to continue in force until the same shall be lawfully determined or annulled.

Given under my hand and the great seal of the State, at Harrisburg, this 14th day of July, in the year of our Lord 1864, and of the Commonwealth the 89th.

By the governor:

ELI SLIFER,
Secretary of the Commonwealth.

Mr. Adams to Mr. Seward.

No. 1189.] LEGATION OF THE UNITED STATES,
London, April 28, 1866.

SIR: The great debate on the ministerial measure for extending the franchise came to a close in the Commons at 4 o'clock this morning, with a division on the motion of Lord Grosvenor, which in a very full house gave a majority of only five to the government. A report of the remainder of the debate, in the London Times, will be transmitted to you herewith.

Under such circumstances, it is scarcely possible that the ministry can hope to carry the measure through its further stages. The impression is that it may persevere until some unfavorable amendment shall so fix the position of the dissenting members of their own party as no longer to permit of a doubt in regard to it.

The only question, then, will be, whether Lord Russell will resign, or recommend a dissolution of the Parliament.

The probabilities are that he will prefer the former course, as the most effective in the end, whilst it will throw the responsibility of the latter upon any combination that may succeed him; for, whatever may be the weakness of the present ministry, it is plain that it has succeeded in embodying the great majority of the liberal party in its ranks, whilst the deserters must in the end take their position with its opponents.

It is true that hopes are entertained by the latter of organizing a new combination, under the lead of Lord Clarendon or some other liberal of conservative tendencies, and embracing the greater part of the followers of Lord Derby, rep-

resented by his son, Lord Stanley. By this new organization, formed somewhat after the pattern of the whilom party in France of the "juste milieu," it is hoped that the odium of antiquated toryism may be avoided on the one hand, whilst on the other a heavy embankment may be raised against the growing power of reform, and Mr. Bright as its exponent.

With Mr. Gladstone and Mr. Bright and their respective friends in opposition, I can see no prospect of durability for any such project. It is scarcely to be imagined that Lord Clarendon would consent to commit himself to any policy which must depend for its success upon the party with which he has no real connection, and in opposition to that with which he has so long been associated; neither is it at all likely that the comparatively small number of the discontented could make good the loss of moral support which he would suffer by a separation from the character and connection of the old and the new liberals. If Lord Clarendon should not be disposed to undertake such a responsibility, I do not perceive any other of the whig statesmen able to assume it.

The only natural alternative is an appeal to Lord Derby himself, and his friends, reinforced by the body of disaffected whigs, who will be obliged ultimately to merge themselves into his ranks. Such is probably the next step that will follow; but this can scarcely be a successful movement in the face of the majority of the present Parliament, unless, indeed, they should be brought to consent to accept nearly every liberal measure, with, perhaps, the exception of the reform of the franchise. Past experience rather justifies the notion that under the lead of Lord Stanley, known to differ little with his opponents on most points, such a result might be arrived at; but if it were, the end would only be again so far to strengthen the true liberal interest, as practically to accelerate their permanent recovery of power. Mr. Gladstone appears, therefore, not likely to be very far wrong in the prediction with which he closes his eloquent speech.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1751.] DEPARTMENT OF STATE,
Washington, April 30, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 12th instant, No. 1181. It contains an account of your interview with Lord Clarendon on the subject of the treatment of American citizens, native and naturalized, arrested under a suspension of the *habeas corpus* in Ireland.

It is with pleasure that we infer from the tone of Lord Clarendon in that conversation that the unreasonable discrimination between the prisoners made by the local authorities in Ireland, of which discrimination I complained in my previous communication, will probably be removed. It is to be regretted, however, that we are left in uncertainty upon that subject. Should the desire of this government still remain an open question when this communication shall have reached you, I have to request that you ask for an understanding sufficiently explicit to enable the government to define a policy.

It remains only to say that I approve of your own proceedings in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams

No. 1752.] DEPARTMENT OF STATE,
Washington, May 1, 1866.

SIR: I enclose for your information a copy of a communication of the 11th ultimo, from Señor Manuel Maria Gautier, of the department for foreign relations of the Dominican republic, in regard to the disposition of that government to make a definitive treaty of peace with the government of Hayti. It appears from the note of Señor Manuel M. Gautier that the French and English consuls residing in the country of Saint Domingo have been informed of the desire of the government, and have been requested to use their good offices in bringing about the agreeable result; provided, however, that the government of Hayti, as a preliminary to further negotiation, will acknowledge the unconditional independence and autonomy of the Dominican republic. With a view to obtain the sentiment of her Majesty's government upon this matter, I will thank you to sound the Earl of Clarendon, to endeavor to obtain from him information whether if we will address Hayti and Domingo desiring the establishment of harmony and peace, the government of Great Britain will concur.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Same, *mutatis mutandis*, to United States minister at Paris.)

Señor Gautier to Mr. Seward.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS—GOD, COUNTRY, LIBERTY!

SANTO DOMINGO, *April* 11, 1866.

Mr. SECRETARY: The undersigned, secretary of state for foreign relations of the Dominican republic, is especially instructed by his government to send the Secretary of State of the United States a copy of the despatch of the 7th instant, addressed to the French and English consuls residing in this city, declaring the good dispositions that animate the Dominican government to make a lasting treaty of peace with the government of Hayti.

The Dominican government would have been pleased to find a representative of the United States in this city of sufficient rank to have informed him of the above declaration, but as there is none, it has thought proper to address it to your excellency.

The Dominican government has always desired peace with Hayti, and now gives official expression of its sentiments, believing it acts honorably, as every government that has self-respect; and thinks this the more necessary at this time, as the government of President Geffrard is adopting the most contrary policy on our southwestern frontier, encouraging an insurrection, and furnishing men, arms, money, and munitions of war. This has been done since the cabinet of General Baez received Salnave and his companions, and prevented them from fighting against the government of their country.

The government of the undersigned has documents to prove these facts.

The high consideration that the government of the United States has had for the Dominican republic, particularly since your excellency had the kindness to visit our capital, and the well-known spirit of justice in all the acts of the great American nation, prompts the government of the undersigned to hope that its loyal intentions in this affair may be impartially judged by your excellency.

The undersigned embraces the occasion to repeat to your excellency the sentiments of his most profound respect and distinguished consideration.

MANUEL MARIA GAUTIER.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Circular to the consuls.

[Translation.]

SANTO DOMINGO, *April* 7, 1866.

SIR: The undersigned, secretary of state for the office of foreign relations of the republic of Dominica, is charged by his government to inform you and your worthy colleague (the

British or French consul) residing in this city, as former mediatorial agents between the republics of Dominica and Hayti, of the following:

Ever since the inauguration of the government of which General Baez is President, his whole attention has been directed to the perfect pacification of the country. The mere defensive attitude of the Dominican republic, confined to the preservation of its territory, besides justifying its sincerity, excuses it from overtures of peace negotiations. In the opinion of the government of the undersigned, the first steps towards reconciliation ought to be taken by the government guilty of the first hostility; and this is more reasonably expected, as in driving the foreign invader from the soil the Dominicans have served the interests of Hayti, politically speaking, as much as their own. Yet, as peace, reciprocal convenience, the cause of humanity, and civilization are concerned, the Domincan government does not derogate from its honorable character in making advances in a way that may tend to strengthen interests of so much importance. In virtue whereof the cabinet of which the undersigned is a member does not hesitate to instruct him to say to you that it is favorably disposed to conclude a definitive treaty of peace with the republic of Hayti, provided, as a preliminary to further negotiation, it will acknowledge the unconditional independence and autonomy of the Dominican republic.

He respectfully requests you to transmit this declaration to the representative of your government in Port-au-Prince, authorizing him to make it known to the government of Hayti, and leave a copy if desired.

The government of the undersigned desires to have the official acknowledgment of this act and its justification recorded in the most authentic manner. As it is not in the power of the human mind to predict the evolutions of future policy, it is but just that events should always find nations, both great and small, in the position they may have chosen.

The undersigned embraces the occasion to renew to your excellency the sentiments of his distinguished consideration.

M. M. GAUTIER.

To the CONSULS *of his Imperial Majesty and her Britannic Majesty.*

A true copy:

M. M. GAUTIER.

Mr. Seward to Mr. Adams.

No. 1753.] DEPARTMENT OF STATE,
Washington, May 1, 1866.

SIR: I enclose herewith a letter of the 26th of April from the Hon. R. B. Hayes, a member of the House of Representatives, accompanied by three other communications from different sources, and the affidavit of Bartholomew Smith, in regard to the alleged improper detention in prison, at Dublin, of his brother, James Smith, who, it appears, has been arrested in Ireland on suspicion of complicity with the movements of the Fenians. I will thank you to invite the attention of her Majesty's government to this case, and at the same time to request that an investigation of it may be made with a view either to his release or to an explanation of the reasons which justify his continued imprisonment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hayes to Mr. Seward.

THIRTY-NINTH CONGRESS, UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., April 26, 1866.

SIR: I have the honor to enclose herewith papers showing that James Smith, a citizen of the United States, residing in Cincinnati, Ohio, and born in that city, was on the 17th day of February last arrested and imprisoned in Mount Joy, Dublin, Ireland, "on suspicion of complicity with the movements of the Fenians;" that no trial or investigation of his case has been had; that he is still in prison, and is likely to remain for an indefinite period, unless the government of the United States takes action in his behalf. I therefore request that proper steps be taken to procure his release. I am personally acquainted with his brother, Bartholomew Smith, and can say that the statements of his affidavit enclosed may be relied upon.

Respectfully, your obedient servant,

R. B. HAYES,
Member of Congress, Second District of Ohio.

Hon. WILLIAM H. SEWARD, *Secretary of State, &c., &c., &c.*

Mr. Groesbeck to Mr. Seward.

CINCINNATI, *March* 14, 1866.

DEAR SIR: The brother of the bearer, James Smith, who was a second lieutenant in the third artillery, United States army, has been arrested in Ireland on suspicion of being connected with the Fenian movement, and is yet in prison.

The bearer, Bartholomew Smith, is anxious to procure the relase of his brother, believing that he was improperly arrested, and that he can make it so appear without doubt. The writ of *habeas corpus* having been suspended in Ireland, and the prisoner being for that reason in danger of a long confinement, the bearer feels that he should do something at once, and I take the liberty of soliciting for him any assistance which the State Department may properly afford.

I have known Mr. B. Smith a long time and favorably, and I commend his application to your attention.

Very respectfully,

W. S. GROESBECK.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Pendleton to Mr. Speed.

CINCINNATI, *March* 15, 1866.

SIR: The bearer, Bartholomew Smith, is an old resident of this city, and favorably known to most of its citizens. He visits Washington to look after the interests of his brother, Lieutenant James Smith, late of the third regiment of artillery, United States army, who is now under arrest in Ireland for alleged complicity with the Fenians. Mr. Smith, the prisoner, served with great credit for six or eight years, and was promoted from the ranks for gallant service during the late war. I am assured that the object of his visit to Ireland can be made clear, and that such a case can be made as would instantly secure his liberation. Inasmuch, however, as the courts are closed by the suspension of the *habeas corpus*, redress must be sought through the political power. If in any manner the case should come into your department, I beg to commend it to your most favorable consideration.

Very respectfully,

GEORGE H. PENDLETON.

Hon. JAMES SPEED, *Attorney General.*

Mr. Harris to Mr. Seward.

MAYOR'S OFFICE,
City of Cincinnati, March 17, 1866.

DEAR SIR: Mr. Bartholomew Smith, who will present you this letter, desires to visit Ireland for the purpose of attempting to procure the release of his brother, James Smith, formerly second lieutenant in third artillery, United States army, who has recently been arrested in that country upon the charge of being implicated in the Fenian movement.

Mr. B. Smith is of opinion that the charge against his brother cannot be sustained, and is desirous of doing what he can in his behalf. The present state of affairs in Ireland makes him anxious to give such assistance as he can, as soon as may be. Such aid as he may obtain from your department in visiting Ireland, without difficulty, would be appreciated by him, and acknowledged by your obedient servant,

L. A. HARRIS, *Mayor.*

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

THE STATE OF OHIO, *Hamilton county, to wit:*

Bartholomew Smith says that he is the eldest living brother of James Smith, now confined in Mount Joy prison, Dublin, Ireland, on suspicion of complicity with the movements of the Fenians; that the said James was born on the 14th day of April, in the year 1831, in the city of Cincinnati, and State of Ohio, where his parents then resided; that he lived in the said city until about the year 1853, when he went to California and Oregon. Soon after he enlisted in the army of the United States, and continued in the service until last October, when he resigned the lieutenancy, to which he had been promoted. When James Smith left Cincinnati last October, it was for the purpose of settling an estate of his uncle's. He was not a Fenian at that time, and had no complicity with them.

BARTHOLOMEW SMITH.

Annexed:

THE STATE OF OHIO, *Hamilton county, ss:*

Personally appeared before me, the undersigned, a justice of the peace within and for the township of Cincinnati, county of Hamilton, and State of Ohio, having been duly elected and now in office, and duly qualified by law, under the statute to administer oaths, Bartholomew Smith, of lawful age, and long a resident of the city of Cincinnati, county and State aforesaid, who being duly sworn according to law, on his oath deposeth and saith, that the statement by him subscribed, and unto which my official jurat is attached, is a correct and true statement, to the best of his knowledge and belief; he, the affiant, being an elder brother of James Smith, and who (by letter received by me through the Department of State at Washington, United States of America) is now imprisoned in the city of Dublin, Ireland; and further says not.

Sworn to and subscribed before me in the city of Cincinnati, county and State aforesaid, on this 14th day of April, A. D. 1866.

JOHN L. POWERS,
Justice of the Peace.

[Rev. stamp.]

CINCINNATI, *April* 13, 1866.

The undersigned state that they are well acquainted with the above named Bartholomew Smith, and know him to be the person he represents himself to be, and that his statements are entitled to credence.

GEORGE H. PENDLETON.
J. L. VATTIER.
JOHN L. POWERS.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1193.] LEGATION OF THE UNITED STATES,
London, May 3, 1866.

SIR: * * * * * *

The decision of the government consequent upon the vote in the Commons, on the motion of Lord Grosvenor, has been in conformity with the impression which I reported as prevailing here, in my No. 1189, sent last week. A copy of the Times of Tuesday, containing a report of the announcement of the chancellor of the exchequer on Monday night is herewith transmitted. The idea now gains currency that some measure extending the franchise may be actually passed. It is understood that the opposition, instead of attempting to resist the government bill altogether, will direct its efforts to the adoption of amendments reducing the extent of the enfranchisement, by raising the proposed property qualification. The question has in the mean time been laid over to next Monday, when the other portions of the government plan will be offered to the House. The final issue, in case of the adoption of important amendments, remains as uncertain as ever. It is probable that the ministers are not yet quite agreed on the limit to which they would be willing to make concessions in order to save the bill.

Meanwhile the chancellor of the exchequer improves the opportunity of the interval to make his annual speech on the budget. He has latterly sought several occasions to speak with me in regard to our supposed policy of keeping up a high rate of taxation in order to pay off by degrees the heavy debt we have contracted during the war. He admires it much, and is very desirous of introducing the idea into the financial system of this kingdom. To that end he is pleased to attach much importance to the example we may set to all the other powers of the world. He looks with some uneasiness to the general tendency now visible among them, to accumulate a heavy debt by annual deficiencies, and feels the importance of establishing a counter influence. Whilst I have given him such information as I obtain respecting the policy of the Secretary of the Treasury, it has been out of my power to say in what degree it may be sus-

tained or departed from by the two houses of Congress, which have the matter more directly under their control. I have confirmed him in his impression, 1st, that the aggregate amount of the debt had within a few months been reduced rather than increased; 2d, that no reduction of taxation had yet been actually made; and, 3dly, that with reference to contemplated changes of taxation, a surplus of more or less amount of receipts over expenditures is yet contemplated to be raised for the future, with the sole view to the reduction of the debt. These are the principles upon which he desires to rest. I have so understood the policy of the government. It is not unlikely that Mr. Gladstone may make some statements founded on my authority in these respects. If I have been mistaken in these particulars I shall regret having led him into error.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1194.] LEGATION OF THE UNITED STATES,
London, May 3, 1866.

SIR: Immediately after the reception of your despatch No. 1737, of the 10th of April, I applied to Lord Clarendon for an interview, and obtained one on Tuesday. I then submitted to him the draught of a protocol on the fishery question, premising with some observations as to the probability that he might already have been prepared in a measure for an immediate decision by his information received from Sir Frederick Bruce. His lordship said that such was not the fact—the thing was wholly new to him. On a first glance he rather liked the proposal, but he could not give any opinion without consultation with his colleagues; he must, therefore, take it *ad referendum*, and would let me know the result at an early day. I then gave him a copy, since which I have had no further intelligence from him. But last evening I casually met with Mr. Cardwell, the head of the Colonial Office, and he at once referred to the matter with great satisfaction; said that he had already himself suggested something of the same kind, and intimated that Lord Clarendon would soon communicate to me a favorable answer. This answer may now be in preparation. It is not unlikely that I may get it before the end of the week, when the steamer sails; in which case I shall make to you a further report on the subject.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1195.] LEGATION OF THE UNITED STATES,
London, May 10, 1866.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1740 to 1744, inclusive, with the exception of 1743.

In regard to the case of Colonel Burke, referred to in your No. 1740, I have caused application to be renewed in his favor at Dublin, which will, I trust, be attended with some success, provided that he be not too deeply implicated in

the Fenian conspiracy. The implied promise of the government has been faithfully carried out thus far, so that persons in whose behalf representations have been made are continually in process of liberation, on the condition of their departure from the kingdom. In one case only has there been any positive objection, and in that the reason assigned is the possession of clear evidence of inculpation. I have little doubt of the anxious desire of the ministry to be relieved as rapidly as possible of the burden imposed upon them by the suspension of the *habeas corpus* act. The matter came up the other day in the House of Commons, on an inquiry made by one of the Irish members, and the secretary for Ireland, in reply, held forth reasons for presuming that the anomalous state of things now existing would be terminated as soon as possible with a proper regard to the peace of the community.

Meanwhile, there are several persons among the imprisoned who appear still to cherish the hope of producing a collision between the two governments on their account. Hence they signify their determination beforehand to refuse every proposal that may be made to liberate them conditionally. Thus far, however, I perceive that the cases are confined to such as have not really had the offer made to them. I am not aware of a single instance of actual detention on this account, unless it be one in which the party concerned proved to have no means to pay his passage to America.

It is proper for me to say a word in commendation of the manner in which Mr. West, the vice-consul at Dublin, has conducted his communications with the government, and the respective parties interested during this difficult period. For many reasons I have preferred acting through his agency, whenever possible, rather than multiplying my formal communications with the foreign office here. Thus far this course of proceeding has been attended with the best results. But it is no more than due to Mr. West to say that much has been owing to the prudence with which he has carried out the suggestions which I have given to him from time to time. Copies of his correspondence have been regularly furnished to me, as I doubt not they are also supplied to the department.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D C.

Mr. Adams to Mr. Seward.

No. 1196.] LEGATION OF THE UNITED STATES,
London, May 10, 1866.

SIR: On my casually meeting with Lord Clarendon at a reception on Saturday evening, I seized the opportunity to remind him that I had not yet heard from him in answer to the proposal furnished through me of your protocol transmitted with your despatch No. 1737, of the 10th ultimo.

His lordship replied by pleading the impossibility of getting anything ready in time for the steamer of that day. This he stated to be in consequence of the multiplied cabinet meetings on the reform measures, intended to be laid before Parliament, and, perhaps, of the duties imposed by the threatening aspect of matters on the continent. His lordship, however, at once communicated to me the substance of the decision of the government, which is to send out authority to Sir Frederick Bruce to proceed in conjunction with you, after consultation with the respective provincial authorities. This had been thought the better course, as the latter had now substantially reached such a position of independence as to make it unadvisable for the government here to attempt to act without regard to them. I understood him to say, what two other members of the cabinet had

previously intimated in conversation with me, that they entirely approved of the measure proposed by you.

Inasmuch as Lord Clarendon asked whether I would take this conversation as sufficient official notice, and I agreed to do so, I am bound to believe that I shall get no other. Hence I make the above report.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1199.] LEGATION OF THE UNITED STATES,
London, May 17, 1866.

SIR: I have to acknowledge the reception from the department of despatches numbered 1743, and from 1745 to 1749, inclusive. Likewise, an Official Register for 1865.

Within the past week the public attention has been concentrated upon the reports of the military preparations making on the continent of Europe, and the convulsion which has happened in the credit system of this country. The panic in the city consequent upon the announcement of the bankruptcy of the company called Overend, Gurney & Co., on Friday last, is described as having been greater than in any previous event of the same kind since 1827. Had it not been for the immediate interposition of the government, in suspending the restrictions of the bank act, it is not easy to tell what would have been the limits of the disaster. The crisis, though perhaps accelerated by the immediate apprehension of war, could scarcely have been a great while longer delayed. It has been for some time perceived that the very high rate of interest ruling in this market, far exceeding that demanded in France at the same moment, must have its source in some local necessities of an abnormal kind. The extraordinary expansion of the joint stock mode of conducting enterprises, which has been going on ever since the breaking out of the war in America, has now reached a point from which retreat can be made only with very heavy loss of the capital embarked. For, although the senseless panic ordinarily attending a financial catastrophe has passed away, there is remaining a grave necessity of facing realities which are as yet but indistinctly seen at the bottom of it. Thus far the Bank of England has been acting purely as a protector of parties compromised by these events only so far as the momentary withdrawal of credit disables them from making the ordinary use of indisputable resources in their hands. Outside of these limits many may yet be found who must ultimately go into liquidation. While even within them, not a few of those saved from a catastrophe will scarcely escape without serious damage from the general decline in value of certain descriptions of property that must ensue.

The effect of this state of things upon affairs in the United States is of course the important point for our consideration. As yet it is made visible only in the decline in price of the national bonds, a decline which has been caused more by the events apprehended in Germany than by anything else. The consequence will be a temporary reflux towards America, and a probable rise in the rate of exchange with Europe. The fall in the value of cotton may be also attended by some transient discredit of those parties most engaged in that branch of commerce, and perhaps a number of reclamations on bills already negotiated. Further than this I cannot learn that any serious apprehensions are entertained on this side. The credits given have not been unduly extended, and though much of the later trade has been attended with serious losses, both at New York and

in England, they are not considered as likely to preponderate over the heavy amount of profits previously realized.

Hence I am led to infer that though the result may be unpropitious to the great purpose of re-establishing the national currency on the only sound basis at so early date as we might have hoped, it will in the end, by removing from the European, and especially the English market, the myriads of tempting and delusive visions of extravagant interest which have of late absorbed so large a share of the floating capital of all nations, present more strikingly the fact of the relative solidity of our national securities, and of the superior desirableness of them over those of the less vigorous nations of the continent, which only continue by involving themselves every year more and more in hopeless embarrassment. Thus it may happen that a medium will be established for the gradual restoration of the currency at home, by an equalization of values between the two countries, which, taken in conjunction with a complete withdrawal of the most questionable issues of legal tender among ourselves, will have the effect of replacing the country before the world on the basis to which it is entitled by its wealth, its energy, and its past character for integrity in its pecuniary affairs.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1204.] LEGATION OF THE UNITED STATES,
London, May 25, 1866.

SIR: The case of James Smith, referred to in your despatch No. 1753, of the 1st of May, appears to have been already the subject of a representation to the Irish authorities by Mr. West, the consul at Dublin. On the 25th of April his letter was sent to Sir Thomas Larcom, who, on the 30th of the same month, acknowledged its reception, and promised that the matter should be fully considered. It does not appear that any further answer has yet been received. I have, therefore, now written to Mr. West to ask him to recall the attention of Sir Thomas to the case, and to signify the interest which has been taken in it by the friends of Smith, as well as the government, in America.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1205.] LEGATION OF THE UNITED STATES,
London, May 25, 1866.

SIR: In connection with your despatch No. 1740, of the 21st April, relative to the case of Colonel Burke, now held in prison in Ireland, I have the honor to report that in reply to the application on his behalf made by Mr. West to the authorities in Ireland, under my suggestion, an answer has been received from them regretting their inability to accede to the request for his release, and assigning, as the cause, the fact that they have reason to believe him to have been

deeply implicated in the Fenian plots of hostility to the government. This makes, I think, only the second instance of refusal which has occurred. As the grounds upon which it is rested seem to be substantially the same with those taken by our government during the war, in similar cases, I shall await your instructions before taking any further step.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1766.] DEPARTMENT OF STATE,
Washington, May 26, 1866.

SIR: Your despatch of the 10th instant, No. 1195, informing the department that you have caused a renewed application to be made at Dublin in favor of Colonel Burke, has been received.

It is gratifying to learn from that paper of the probability of a speedy termination of the irregularities now existing in Ireland, growing out of the suspension of the *habeas corpus* act.

I have read with sincere pleasure the good account you give of Mr. West, our vice consul at Dublin, for the able manner in which he has conducted his communications during the trying period referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1767.] DEPARTMENT OF STATE,
Washington, May 26, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 10th instant, No. 1196, in which you give me the result of an interview you had recently with Lord Clarendon, upon the subject of the protocol transmitted with instruction No. 1737, from this department.

I am pleased to find that his lordship's observations are indicative of good feeling. I shall be gratified when, as intimated, Sir Frederick Bruce comes to me with his instructions, which I feel assured he will execute in the best manner.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1769.] DEPARTMENT OF STATE,
Washington, May 29, 1866.

SIR: I would thank you to bring to the attention of the government of Great Britain the case of J. H. Gleeson, which forms the subject of the enclosed copy of a letter of the 8th instant from Mrs. Mary Francis Gleeson, his wife, and to endeavor to procure his release from imprisonment, provided that upon investigation the facts are as stated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

DUBLIN, *Ireland, May* 8, 1866.

KIND SIR: I wish to address you in behalf of my husband, J. H. Gleeson, late colonel of the sixty-third New York volunteers, who fought all through the late war; and at its close he came to this country, bringing me with him, to see his father and mother, intending to return to America in the spring. He has been seized by the British government under the suspension of the *habeas corpus* act, and thrown into prison, without any charge in the world against him, only that he was an American officer travelling in Ireland. I hope your honor will see to his case, and demand his release, immediately, for there is no justice or mercy on this side of the Atlantic.

Most respectfully, your obedient servant,

MARY FRANCES GLEESON.
27 Synge Street, Dublin.

Hon. SECRETARY SEWARD.

Mr. Adams to Mr. Seward.

No. 1207.] LEGATION OF THE UNITED STATES,
London, June 1, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1758 to 1762, inclusive.

The past week has been marked by a resumption of the discussion in the Commons of the reform of representation. A single division taken upon a motion of secondary importance has served only to show the very insecure footing of the ministry in the progress of this measure. The adverse majority of ten votes, partly composed of a number of their own friends other than those who deserted them on the test vote of the second reading, is only significant as foreshadowing the difficulties about to spring up from a skilful resort to the tactics of parliamentary warfare in embarrassing the bill. Underlying the whole is the disinclination to any change, which at heart pervades a considerable section of the majority. The prospect of a successful issue is, therefore, growing more and more clouded. A hostile amendment presented by one who voted with the ministry on the first trial, and supported by the whole strength of the opposition, is now pending, which, if carried, will probably decide the fate of the government. But even if it should fail, it will only be the precursor of other strokes, some one of which, more adroitly applied than the rest, may lead to the same result. I cannot help thinking that the first decision of the government to keep the two parts of its policy separate, and to act upon the franchise before acting upon the change of seats, was the wise one. The concession which it made in order to secure its first nominal success by agreeing to a union of the two measures, has only served to multiply the chances of ultimate failure.

It is generally understood that, in expectation of a change, negotiations have been actively in progress between the disaffected liberals and the conservatives, to effect a combination sufficiently strong to undertake the direction of the government. Whilst I cannot yet perceive any ground for believing that such a change could be made durable, with this Parliament constituted as it is, it does not seem unlikely to lead to a later appeal to the country, which may give to its politics a more serious aspect than they have worn for some years.

These speculations are, however, subject to modification in proportion as the threatening state of affairs on the continent may tend to distract the public attention from domestic concerns. In any event, it would seem as if the future now boded serious danger in the political condition of the whole of the European powers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1208.] LEGATION OF THE UNITED STATES,
London, June 1, 1866.

SIR: I sought an interview with Lord Clarendon a few days since, which was granted to me on Tuesday last, the 29th ultimo.

I first opened the subject of the application of the minister of the Dominican portion of the island of Hayti, to obtain the assistance of the two governments of the United States and Great Britain to effect a re-establishment of amicable relations with the Haytien part of it. To this end I recapitulated to his lordship the facts as stated in your despatch No. 1752, of the 1st of May.

In reply he said that this movement was new to him. He had only received a suggestion from the British consul in the island that something, perhaps, might be done towards effecting a reconciliation, to which he had replied in merely general terms. But as this proposal, to which I now called his attention, seemed to assume a definite official character, all he could say to it just then was, that the government stood always disposed to do what it could to promote objects which had in view the restoration of friendly relations between nations, but he would make a note of the facts which I had given him from your despatch, and would be in a situation to speak more fully on the subject at a future moment.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1209.] LEGATION OF THE UNITED STATES,
London, June 1, 1866.

SIR: In connection with your despatch No. 1743, of the 23d of April, I have the honor to report that in my conversation with Lord Clarendon on Tuesday last I brought to his notice the facts therein stated, and concluded by calling his attention to the authority there given to me to receive so much of the share of the indemnity in question assigned to the United States as might have been paid in the manner specified.

His lordship replied, in substance, confirming the accuracy of the statements contained in the despatch, but adding that in point of fact no money had yet been received.

He could not at the moment tell the reason; but he was ready to accept this as notice that whenever it might be received, the portion of the United States should be paid over to my direction.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1210.] LEGATION OF THE UNITED STATES,
London, June 1, 1866.

SIR: In my conference with Lord Clarendon, already alluded to in preceding *despatches*, I brought to his notice the substance of the representations made in

your despatches Nos. 1747 and 1751, in regard to the discrimination made in Ireland in the treatment of native and naturalized citizens of the United States, and your desire that some policy might be more clearly defined.

I added that I was not quite sure whether the distinction made in the first instance as to the right of access of the consul to the respective persons had been kept up. I had accidentally omitted to inquire of Mr. West as to that point, so that I was not in a position to affirm that it had. But supposing it to be so, I trusted that it would not be adhered to.

His lordship said that he had at once written to the authorities in Ireland to remove all unnecessary distinctions, and he presumed that they had done so. They, of course, could not concede the point of allegiance; but he thought the arrangement that had been made between us had removed all necessity of collision on that point. For the rest he thought they were desirous to get rid of all the men who had been imprisoned just as fast as was possible, consistent with their own safety.

I said that I was glad to learn the release of several persons about whom I had received instructions to make representations. There were only two cases in which a refusal had been given, and in those two the reason assigned was such as I, in the face of our experience in the late war, could not object to. Without claiming anything, I, however, recapitulated the facts attending the situation of Colonel Burke and his wife in such a manner that he took a note of it, with a view to see what could be done for him.

He said that he had read the correspondence of the consuls at Queenstown and Dublin, and expressed much satisfaction with the prudent and careful manner in which they had conducted it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1212.] LEGATION OF THE UNITED STATES,
London, June 2, 1866.

SIR: The commercial panic precipitated by the threatening aspect of things on the continent has subsided but slowly. Relief has been obtained on the one side by the receipt of unexpectedly large gold remittances from the United States; and on the other by the consent of the great powers to assemble their delegates in conference at Paris, with the hope of arriving at a peaceful settlement of all difficulties.

Presuming that you receive from the proper quarters on the continent full reports of the state of things prevailing in the different courts, I do not venture upon any predictions as to the course which events will ultimately take. It will be sufficient for my purpose to explain, so far as I can, the effect upon them of the policy adopted here. The issue of the struggle in Parliament on the Danish question two years ago, the immediate forerunner of the present complication, was to establish for this country a new rule of neutrality and isolation towards all the continental nations. To that rule it is the present intention of this government to adhere, whatever may happen. Conscious of this advantage, the Emperor of France appears to be more and more shaping his course towards establishing himself as the arbiter of all the interests of continental Europe. His aim, so far as it may be gathered from his language, is to unsettle in all its parts the arrangement adverse to France which followed the downfall of the first Napoleon in 1815. This has already been in a measure accomplished;

but much yet remains, and that the most deeply connected with the interests of France. The provisions of the treaties of 1815 have ceased to be effective in the greater part of Italy, in the low countries, in Savoy, and in the Elbe Duchies. They still continue in force on that part of the boundaries of France in which it is most assailable from without. It is, therefore, not unreasonable to impute to its sovereign a desire ultimately so to extend its lines in that quarter as to restore the boundary established in the day of his uncle, but wiped out by the triumph of his enemies. The motives of this course may not be purely patriotic ones. Considering the growing restlessness of the people under his sway, they may not unfairly be considered to embrace the object of diverting their attention from purely domestic concerns to a result always cherished, the attainment of which might help to restore his popularity and confirm his dynasty.

I have remarked that the present attitude of Great Britain furnishes facilities for the prosecution of such a policy as is here indicated, which may tempt the Emperor to seize the present opportunity to use them. On the other hand, he must possess stronger nerves than he has credit for to contemplate with calmness the consequences that may ensue from lighting what may prove to be a general conflagration. As yet there is reason to suspect that he has not braced himself up to that exact point. The evidence of this is the assembly of the conference under the pressure put upon him by England and Russia. A few days only can intervene before he must show his hand more clearly than he has yet done. When he does, and not till then, shall we be in a position to judge of the probabilities of preserving the peace, not less of Great Britain than that of the rest of Europe.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1772.] DEPARTMENT OF STATE,
Washington, June 4, 1866.

SIR: You will not unreasonably look to me for some account of the troubles which have arisen on the Canadian border.

On Thursday, the 30th, considerable numbers of the so-called Fenians appeared at Buffalo. Rumor at the same time announced that others of the same class were proceeding towards Pottsdam, in New York, and towards St. Albans, in Vermont, with the supposed determination to pass through those points to Canada. On the night of the 30th a body estimated to be from 1,000 to 1,500 strong made their way in small commercial craft across the Black Rock ferry, at Fort Erie.

By some conjuncture of circumstances there was no armed vessel at Buffalo except the steamer Michigan, the revenue cutters being at the time on a distant cruise. The fort at Buffalo was garrisoned by only one company.

In the night of the 31st, a provincial force, consisting of artillery and infantry, represented to be 800, passed by railroad to meet the invaders. We have conflicting reports of a contest near Fort Erie, but the way of the battle is in dispute, and, perhaps, the whole transaction is an exaggeration. What I can state with more certainty is, what this government has directed to be done in the matter. For several days past, as information was obtained of the movement of arms, they have been seized, a considerable number at Buffalo and Pottsdam, more at St. Albans, and a small number, with a large mass of prepared ammunition, at New York. The revenue cutters have been called down from the lake. The garri-

sons at the several points indicated, and also at Rouse's Point, have been increased. Major General Barry has taken command on the frontier under Major General Meade, who has also proceeded to the border. The prosecuting officers are vigilant, and we hope to be able to suppress further proceedings in violation of neutrality.

Later we hear that the Irishmen who crossed at Fort Erie retreated yesterday, and that, in attempting to cross the Niagara, at Black Rock, they were intercepted and captured (to the number of about 700) by the United States steamer Michigan. They are now held in custody by the United States civil authorities at Black Rock.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1213.] LEGATION OF THE UNITED STATES,
London, June 7, 1866.

SIR: I have to acknowledge the reception from the department of despatch No. 1763, of the 21st May.

The events of the past week have not been without interest, both as connected with the internal as with the foreign affairs of the kingdom.

The grand combination of the elements of opposition to the reform measure, which was to have tried its strength with the ministry on Monday night, suddenly and rather unaccountably broke down at the most critical moment. The true cause of this it is difficult to discover. There are rumors generally current here that it grew out of a private understanding between the members of the government and the disaffected persons in their own ranks, to the effect that, in consideration of a united demonstration in favor of the bill at this stage, the attempt to carry it through would be abandoned for the present session. This implies so great a disregard of character, and all past declarations on the part of Earl Russell and Mr. Gladstone, that it is impossible to give it credit for a single moment. It is more reasonable to presume that the ill-assorted union proved impracticable, and that many of those who had been led to join it determined to retrace their steps whilst retreat was possible.

But although the reform measure is thus proved to be too strong to be resisted by direct means, its fate, under the joint effect of procrastination and incidental amendment, yet remains very doubtful. The fact of the secret indisposition towards it of the great majority remains indisputable. If, under all these disadvantages, the energy and power of Mr. Gladstone should ultimately force it through, at least so far as it relates to the essential point of the lowering of the franchise, his triumph will prove one of the most remarkable events in English parliamentary history.

The other event is the final abandonment of the project of the conference of the great powers, suggested by France and Great Britain, as a means of averting the dangers of a continental war. It latterly bore on its face so much the aspect of an invitation to Austria to consent to see itself dismembered without a murmur, that its refusal can scarcely give occasion for surprise. The only doubt entertained is as to the expediency of making its declarations in advance. War is now regarded as inevitable. The great interest of it will turn upon its possible operation upon the liberal movement of Europe. Austria and Prussia both have elements of commotion agitating them within, which may find vent in some unexpected and momentous developments on the first opportunity. Behind

them is visible the position of France, prepared to take advantage of any opening for the modification of the map of Europe, whilst that of Great Britain is close observation of the tendency of any such proceeding to compromise her power. The statesmen of this country affect to consider themselves as safe in their policy of isolation and the professed amity of their great neighbor. How slippery that foundation may prove in an emergency they do not appear anxious to examine. Neither is it at all clear that their situation would be bettered if they did. Their proximity to danger is a circumstance which no care or anxiety could avert.

The commercial panic is slowly passing over, though heavy bankruptcies continue to occur. Great relief has been felt from the reception of a large sum in gold from America at a moment when the reserves of the bank had been reduced to a very low point. It is to be hoped that this transfer will not have a pernicious influence on the prospect of a restoration of our own currency.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1216.] LEGATION OF THE UNITED STATES,
London, June 7, 1866.

SIR: I transmit herewith a copy of a note addressed to me on the 6th instant by Lord Clarendon, touching the questions raised by the cruise of the Shenandoah, together with copies of the enclosed papers.

I likewise send a copy of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Clarendon to Mr. Adams.

FOREIGN OFFICE, *June* 6, 1866.

SIR: In my letter of the 19th January, replying to yours of the 28th December, on the subject of the Shenandoah, I had the honor to inform you that inquiries should be made into the conduct of the authorities at Melbourne during the time that that vessel remained at Melbourne, and that prosecutions should be instituted, under the foreign enlistment act, against any British subject who might be proved, by trust worthy testimony, to have taken service in that vessel, and I have now the honor to communicate to you the result of the action taken by her Majesty's government in this matter.

The statements in the letter from the United States consul at Liverpool, which were enclosed in your letter, were founded mainly upon the affidavit of a man named William A. Temple, described by the consul as being a very intelligent seaman, and also upon a statement made by a woman named Margaret Marshall, who swears that during her husband's cruise in the Shenandoah, she regularly received an allowance which was paid to her by Messrs. Fraser, Trenholm & Co., of Liverpool. In Temple's affidavit he dwells among other things upon the civilities exchanged, and the intimacy maintained between the governor and the officials at Melbourne, and the captain and officers of the Shenandoah, and upon the advice and assistance given by the government engineers at Melbourne, in the repairs effected, while the Shenandoah remained in that port.

These statements were summarized in your letter under three general heads:

1. That the Shenandoah had left this country armed with all the means she ever had occasion to use against the commerce of the United States, that is to say, with the two 18-pounders which Temple swore were mounted upon her decks when she sailed from London, and which, according to him, were the principal guns used during the whole cruise.

2. That Captain Waddell had been made fully aware of the suppression of the rebellion the very day before he destroyed a number of United States vessels in the sea of Okhotsk; and,

3. That the list of the crew, as furnished by Temple, effectually set at rest the pretence of Captain Paynter, of her Majesty's ship Donegal, that there were no British subjects on board the Shenandoah.

Taking Mrs. Marshall's affidavit first, I have the honor to state to you that Messrs. Fraser, Trenholm & Co. declare the above statement to be untrue, and that they never paid any money to her or to the wife of any other seaman of the Shenandoah. I have the honor to enclose a copy of a letter on this point from Mr. F. S. Hull of Liverpool.

Passing on to the affidavit of Temple, I have the honor to call your attention to the annexed copies of two further letters from Mr. F. S. Hull, in which, by direction of Captain Waddell, he refutes the charge made against that officer of having destroyed United States vessels after he knew the war was over. It is no part of the duty of her Majesty's government to defend Captain Waddell's character, but as the charge was set forth in a letter which I had the honor to receive from you, I think it right to place you in possession of the answer which he has made to the charge, the more especially as you will learn from Mr. Hull's letters that the man Temple, before offering himself to the United States consul as a witness, had already volunteered his services to Mr. Hull, and that though Temple knew he was born in Madras, and had never been in America, he, nevertheless, offered to swear that he was born at Charleston. Under these circumstances Mr. Hull refused to have anything to do with Temple, who thereupon transferred his service to the United States consulate.

Under all the circumstances connected with this man, as above explained, and as they appear in the papers which accompany this letter, her Majesty's government consider that they are justified in regarding him and his affidavits as unworthy of credit.

I next proceed to notice the statement about the two 18-pounders, for the purpose of saying that her Majesty's government have every reason to believe that that statement is not true, and I beg leave on this point to refer you to Mr. Hull's letter of February 28, in which it is explained that the two guns which were mounted on the Shenandoah, when she left the river, were two signal guns.

The next point is the conduct of Captain Paynter, of her Majesty's ship Donegal, and I shall leave it to that officer to explain, in his own language, the circumstances of the case, and the course which he pursued with regard to the crew of the Shenandoah. Annexed you will find full extracts from the report on the subject made by that officer to her Majesty's government.

I shall equally allow the governor of Victoria to speak for himself with regard to the alleged intimacy between him and the government officials at Melbourne and the captain and officers of the Shenandoah, and also as to the aid and assistance stated to have been rendered to that ship by the government engineer at Melbourne, and I therefore annex a copy of the governor's report upon the subject, feeling assured that it will be accepted by your government as satisfactory.

It only remains for me to add, as regards the propriety of prosecuting under the foreign enlistment act any British subjects who might be proved to have taken service in the Shenandoah, that her Majesty's government were advised that it would be quite impossible with any prospect of success to institute a prosecution upon the uncorroborated evidence of Temple, and that the efforts to procure other testimony of such a character as would justify her Majesty's government in proceeding upon it have been unavailing.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., at London.*

Mr. Hull to Mr. Bateson

No. 6 COOK STREET,
Liverpool, January 30, 1866.

DEAR SIR: Messrs. Fraser, Trenholm & Co. instruct us to inform you that they never paid either Margaret Marshall or any other wife, or any seaman of the Shenandoah, a sixpence at any time.

Their name has, no doubt, been put into the mouth of an ignorant woman by the zealous detective who supplies information to the American consul.

Yours, truly,

F. S. HULL.

W. G. BATESON, Esq.

Mr. Hull to Mr. Bateson.

LIVERPOOL, 6 COOK STREET, *January* 26, 1866.

MY DEAR SIR: From the little I have seen of Captain Waddell, I am satisfied that nothing would distress him more than to think that any respectable person should believe that he was guilty of destroying shipping after he was himself satisfied, or even entertained any reasonable doubt, as to the termination of the war.

I am sure that if her Majesty's government want any information on this point, Captain Waddell will gladly give it. either to Mr. Greenwood or to yourself.

As I named to you to-day, Temple, *alias* Jones, is a fellow utterly unworthy of belief, and I am sorry that Mr. Dudley should be the dupe of such an unprincipled young rascal.

As I told you to-day, he volunteered to come to me, and after telling me that he was born in Madras, he said he was prepared to swear that he was born in Charleston, never having been in America in his life. I therefore declined his services, and he forthwith transferred them to Mr. Thompson, ex-detective, and thence to Mr. Dudley.

Captain Waddell has burst a blood-vessel since he came to this country, and is now in a very precarious state of health. I have not seen him for some months.

Believe me, &c., &c.,

F. S. HULL.

W. G. BATESON, Esq.

Mr. Hull to Mr. Bateson.

LIVERPOOL, 6 COOK STREET, *February* 28, 1866.

DEAR SIR: I have laid before Captain Waddell your letter of the 22d instant, and the letters and affidavit which accompanied it, and he desires through me to offer the following observations upon these documents:

Mr. Adams found in the affidavit of Temple three grounds of complaint, which may be briefly alluded to as follows:

1st. That the vessel was armed when she left London.

2d. That Captain Waddell continued to destroy American shipping after he was made aware that the war had ended.

3d. That the vessel was mainly manned by British subjects.

We deal with the last charge first. Captain Waddell assures me that he never enlisted any seamen at any British port, or within the jurisdiction of her Majesty's government. He never asked any seaman what his nationality was, and had no knowledge whatever on the subject.

With respect to the second charge, Captain Waddell states that on the 23d of June he captured a vessel called the Susan Abigail, which vessel had sailed from San Francisco, about the 20th of April, on a trading voyage to the Arctic seas. She had newspapers on board, which contained the news of the surrender of General Lee, and also an address by President Davis to the southern people, issued from Danville, stating that the war would be carried on with renewed vigor.

Captain Waddell states that he did not destroy any vessels after the 28th June, and that he did not obtain information of the actual termination of the war until he fell in with the Barracouta, on the 2d of August, when he at once disarmed his ship. Temple is a very young man, under twenty. He shipped as an ordinary seaman, and was at first employed as boy to wait on the officers in the steerage. He was disrated from this office, and put to duty on deck.

His affidavit contains a certain amount of immaterial truths, mixed with errors, and also every now and again a deliberate false statement. To several of these statements Captain Waddell offers the following observations. He says that he called on the governor at his official residence, but did not see him, and the governor never returned the call, nor took any notice of him; nor did Captain Waddell ever speak to him, either officially or privately. Captain Waddell did not entertain any of the officials of Melbourne. It is not true that the government engineer rendered any personal assistance or advice. The inspection he made was under the orders of his own government, as shown in the official correspondence. It is not true that the name of the Sea King was painted out before Captain Waddell took possession of her; it was not painted out until she had been a week or more in his possession; it is not true that the Shenandoah cruised for a month off the Isle of Japan; it is not true that the vessel had on board two 18-pounders; it is not true that money and jewelry and other valuables were taken from the officers and crews of the captured vessels, or that he put the captured crews in irons, in order to induce them to enlist; it is not true that Captain Waddell sent some of the marines among the men to tell them that they were all to be southerners when their names were called over before Captain Paynter. There are numerous other false statements in the affidavit of Temple, which Captain Waddell deems it *to be* unnecessary to answer, but he denies the above, partly because some of them, if true,

would affect his personal character as a gentleman, and the others he denies because they are capable of being disproved by other evidence within the reach of her Majesty's government, and will show how utterly unworthy of belief this young man Temple is.

Captain Waddell delivered up the Shenandoah to her Majesty's government, and her Majesty's government handed her over to Mr. Dudley. Mr. Dudley, therefore, had it in his own power to ascertain the fact that there were no 18-pounders on board the ship. When the vessel was handed over to Captain Waddell, at Madeira, she had two signal guns, which we understand were put on board her by the orders of her Majesty's government when on her previous voyage she had carried troops for her Majesty's government. Her Majesty's government have, therefore, the means of testing the correctness of this story.

With respect to Temple, I may myself add, that unsolicited he called on me on the 24th November last, and tendered his evidence on behalf of Captain Corbett. I asked him where he was born, and he said at Madras. I asked him when and where he had enlisted into the Shenandoah, and he said at Madeira. I then told him I could not with propriety accept his evidence, as it would compromise himself, as he was a British subject at the time of his enlistment. He then said he was prepared to swear that he was born at Charleston, and I declined to have anything to do with him.

I am, &c., &c., F. S. HULL.

W. G. BATESON, Esq.

Captain Paynter to the Secretary of the Admiralty.

[Extract.]

HER MAJESTY'S SHIP DONEGAL,
Rock Ferry, February 3, 1866.

SIR: I have the honor to acknowledge the receipt of your letter dated the 22d of January last, with its printed enclosures from Mr. Adams, United States minister, to the Earl of Clarendon, and in reply, beg to state that having received instructions from you dated the 6th of November, 1865, to prevent the late confederate ship-of-war Shenandoah from coaling or leaving the port of Liverpool, I placed a guard of officers and men on board, and took upon myself the responsibility of preventing Captain Waddell, the officers and men, from leaving the ship until I had your authority for so doing.

For three days the Shenandoah lay at anchor in the waters of the Sloyne, and had there been the slightest desire on the part of any person at Liverpool during her detention to give evidence that any of her crew were British subjects, every facility would have been afforded them by myself, the custom-house officers on board, and Lieutenant Cheek, the officer in charge of the Shenandoah, but neither from the American consulate, the police, customs authorities, nor by magistrate's warrant, was any information forthcoming. If there had been, I should, of course, have supported the civil power.

With reference to the discharge of the crew of the Shenandoah, in compliance with your order of the 8th of November, 1865, I beg to refer you to my letter of the 9th of November, and also to the letters which I herewith enclosed, from Lieutenant Cheek and the paymaster of this ship, dated the 26th of January, 1866.

On the subject of Mr. Adams's remark, that Temple's list will "set at rest the pretence of the officer sent on board that there were no British subjects belonging to the vessel," I most courteously beg to say that to my knowledge the United States authorities had plenty of agents at their command in this port, who could have arrested under proper warrant any person suspected of infringing the foreign enlistment act on board the Shenandoah whilst under my charge.

As to the truthfulness or the falsehood of Temple's affidavit, I have obtained evidence that a young Indian, calling himself William A. Temple, did, one month after the crew of the Shenandoah had dispersed, sign before Mr. Thornley, (public notary,) an affidavit giving a list of the supposed crew, and that it appears by W. A. Temple's own statement—

First. That he must have told a deliberate falsehood as to his nationality when he passed round and stated to me that he was an American seaman.

Second. That he considers himself defrauded by the confederate authorities of twenty-two pounds, due to him for wages.

Third. Mr. Woods, the landlord, of No. 108 St. James street, states no man of that name lodged at his house.

Fourth. He admitted before Mr. Hamner, manager of the Sailors' Home, that a considerable portion of his affidavit, declared before Mr. Thornley, was false.

* * * * * * *

It appears to me scarcely possible whilst mustering out a crew to decide upon the nationality or birthplace of most of the seamen frequenting this port; the enormous shipping trade with America, and the facility with which tickets of naturalization as American citizens can be obtained, secures absolute impunity in that respect, whilst the dress, style, and habits of the mongrel crews who man the vessels of this port are such complete disguises that I trust

I may be pardoned, if as a British officer, accustomed during my whole period of service to the uniform and cleanly appearance of British men-of-war's men, I could not pronounce on my own responsibility whether some of the dirty-drawling, ill-looking, gray-coated, big-bearded men, who passed before me as the crew of the Shenandoah, were British subjects or American citizens.

* * * * * * *

I have, &c., &.,

J. A. PAYNTER, *Captain.*

The SECRETARY OF THE ADMIRALTY.

Mr. Warwick to Captain Paynter.

HER MAJESTY'S SHIP DONEGAL,
Rock Ferry, January 24, 1866.

SIR: In compliance with your orders to report what I witnessed and heard on the occasion of the mustering of the crew of the Shenandoah, late confederate cruiser, on the evening of the 8th November last, I beg leave to state that I accompanied you on board that vessel to assist in endeavoring to ascertain whether any of the crew were British subjects; and to take notes and examine evidence in the event of information of having infringed the foreign enlistment act being laid against any individual.

On proceeding alongside the Shenandoah in the ferry steamer a number of the crew swarmed on board by the hawsers, but were persuaded by you to return to their ship.

I followed you into Captain Waddell's cabin and heard you ask him on his word of honor whether he was aware of any British subjects forming part of his crew? He assured you that he was not; neither did he believe there were any among them, and that they had all been shipped on the high seas. You then came out into the officers' mess place, called them round and asked if they were British subjects; they replied they were not, nor did they think any of the crew were.

At your request Captain Waddell directed the senior lieutenant to muster the crew, which he did from a book resembling a watch bill, and said to be the only muster-roll on board. Each man as he passed across the deck was carefully scrutinized and asked what countryman he was. Most of them stated that they came from one or other of the southern States, some were Sandwich Islanders and a few Portuguese, but none acknowledged to being British, and judging from their appearance and dress I did not think they were.

It was impossible, in the absence of any satisfactory proof, to have determined who were British subjects and who Americans. They were all so much alike, and the only means of ascertaining were those adopted by you, viz: questioning each individual as he passed at muster.

No information whatever was lodged against any one during the time we were on board the Shenandoah.

The crew appeared to me to be in a very excited state at having been detained on board for three days without any reason having been assigned or authority shown them for so doing, and I have no doubt that any further detention would have resulted in a serious riot.

I have, &c., &c.,

ROBERT W. WARWICK, *Paymaster.*

Captain J. A. PAYNTER, *Her Majesty's Ship Donegal.*

Mr. Cheek to Captain Paynter.

HER MAJESTY'S SHIP GOSHAWK,
Rock Ferry, January 26, 1866.

SIR: In compliance with your order calling on me to report the proceeding on board the Shenandoah during her detention at this port by the British authorities, I have the honor to inform you that agreeably to instructions dated November the 6th, 1865, I proceeded in her Majesty's gunboat Goshawk, under my command, and lashed her alongside the vessel.

In the evening Captain Waddell informed me that the vessel having been taken charge of by the custom-house authorities he considered himself, the officers, and crew relieved from all further charge and responsibility of the ship, and that his authority over the crew would also end.

The following day (November the 7th) the crew requested that I would allow them to land, none of them having been on shore for more than nine months I told them that under the circumstances it was not in my power to grant it, and persuaded them to remain quiet for a day or two, till orders could be received from London.

They then demanded to see my authority for detaining them. I explained that I acted under orders from you. They replied that you could have no charge of them without in-

structions from Earl Russell, the foreign office, or the American minister, as they were American subjects.

This evening, as on the previous one, I succeeded in pacifying the crew by reasoning with them.

On the following morning (November the 8th) the crew were getting riotous, and determined to remain on board no longer—eight or ten had already deserted. I therefore, in a letter to you, explained the excited state the crew were in, and that I had heard from one or two of the officers their determination to leave the vessel that evening at all risks; I should therefore be compelled to let them escape, or else detain them by force.

The answer I received from you was that I was to act up to your orders, and the crew were to remain on board, but that you hoped soon to have instructions from London.

I would call your attention to the excited state of the crew by their conduct in attempting to desert, many of them jumping on board the steamer and trying to conceal themselves when you came to muster and examine them, on which occasion I accompanied you into the cabin and heard you question Captain Waddell as to whether he believed any of his crew to be British subjects; he replied in the negative, and stated that he had shipped them all at sea.

On your questioning the officers they also made the same statement.

The first lieutenant mustered the crew from a book of his own—the only list found on board—and you stopped and questioned the men as they passed before you.

Each one stated that he belonged to one or other of the States of America.

The personal baggage of the officers and crew was examined by the custom-house officers, to prevent any American property being taken on shore.

On the evening of the 9th of November, you again came on board the Shenandoah, and met the American consul in the cabin of a tug he had hired to bring him alongside. He then promised to send an officer to take charge of her, as a captured confederate cruiser, on behalf of the American government.

On the 10th of November Captain Freeman came on board and took charge, under orders from the American consul, and in compliance with your memorandum I handed the vessel and stores over to him.

On my leaving the Shenandoah Captain Freeman hoisted the American ensign and pendant, and proclaimed her a man-of-war.

During the time I was on board I received no information, nor could I obtain any evidence, that any of the crew were British subjects. Had I done so, I should have arrested them, and immediately communicated with you for further instructions.

I have, &c., &c.,

ALFRED CHEEK.

Captain J. A. PAYNTER,
Her Majesty's Ship Donegal.

Governor Sir Charles H. Darling to Mr. Cardwell.

[Extract.]

GOVERNMENT HOUSE,
Melbourne, March 21, 1866.

SIR: I have the honor to inform you, in reply to your despatch No. 8, of the 20th January, that I saw the officer commanding the Shenandoah upon only one occasion. That occasion was the celebration of divine service in the church which I attend habitually.

I did not know who the stranger was until I received information on the subject. After the conclusion of the service he called to pay his respects to me at my office in Melbourne. I had not arrived at the office, and he left his card. He did not repeat his visit, and I have never exchanged a syllable orally with that gentleman. After this statement, I need scarcely say that I was not entertained, either publicly or privately, by him on board his vessel, and that he was not entertained in any way by me. I am certain that none of my ministers either offered to, or received from, him any attention.

Captain Waddell and his officers were, I am aware, entertained at a dinner party at the Melbourne Club. This dinner was not given by the club, but by certain members of that association. I believe that some persons in the service of the civil government were among the hosts on this occasion. The entertainment, however, was a private one.

Some of the officers of the Shenandoah proceeded to Ballarat, I believe, upon invitation to attend a subscription ball. They were most enthusiastically received at that place, as they were by the commercial body of Melbourne generally. The gentleman whose name is represented by a blank in Mr. Temple's statement was no doubt a southern citizen who had been the American consul in Melbourne.

If any functionary answering to the description of the English government engineer visited the Shenandoah, I am sure it was for the purpose of inspecting the progress of the work, and informing the government of the prospect of being relieved of the presence of the vessel.

It is quite possible, of course, that he made suggestions by which he thought that this object would be more speedily accomplished; but my impression is that the person alluded to is the engineer or shipwright who was employed by Captain Waddell, under the permission to repair which he received from me.

* * * * * * * * *

I have, &c., &.,

C. H. DARLING.

Right Honorable E. CARDWELL, M. P.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, June 7, 1866.

MY LORD: I have had the honor to receive your note of the 6th instant, together with the papers to which it refers, touching certain points raised in the course of the cruise of the vessel known as the Shenandoah.

I have read the evidence thus presented with great care, but I regret to say without materially changing my conviction of the substantial correctness of the propositions which it became my painful duty to advance. The attempt made to break down the character of the principal witness, Temple, appears to me more successful than the invalidation of the chief facts stated by him, corroborated as they are by much incidental testimony, which has since that time come to my knowledge. But as it seems to me likely to serve no useful purpose to either of the two governments or nations, to prosecute investigations into these painful details of a most unfortunate period to their harmonious relations, I shall pray your lordship's permission to transmit, without further comment, copies of these papers to my government, which will, I doubt not, give to them the respectful consideration due to the source from which they immediately come.

I pray your lordship to accept; &c., &c.,

CHARLES FRANCIS ADAMS.

Right Honorable the Earl of CLARENDON, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1779.] DEPARTMENT OF STATE,
Washington, June 9, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 25th of May, which relates to the case of Colonel Burke, who is now held in prison in Ireland.

You inform me that her Majesty's government decline to release him, and assign as a reason the fact that he is believed to be deeply implicated in the Fenian plot.

You also inform me that this is one of the only two cases in which her Majesty's government have declined to surrender United States citizens at our request. At this distance it seems to me that the danger of an attempt at revolution in Ireland has already passed. I think that the British nation will be satisfied by intelligence of recent events on this side of the Atlantic that all danger of disturbance in Ireland from this quarter has also passed.

Under these circumstances you will be expected to suggest to Lord Clarendon the expediency of the exercise of clemency to the extent, at least, of releasing all of the American citizens, native or naturalized, who are in confinement, upon the condition of their returning to the United States. While such a proceeding on the part of the British government would seem to be an entirely safe one, it cannot be doubted that it would have a tranquillizing effect here.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1780.] DEPARTMENT OF STATE,
Washington, June 12, 1866.

SIR: I transmit to you for your information a copy of a note* which, on the 11th instant, I addressed to Sir Frederick Bruce, upon the subject of the recent Fenian expedition into Canada.

A copy of the President's proclamation of the 6th instant, relating to the aforenamed movement, is also enclosed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[June 6, 1866.—Warning good citizens against taking part in or aiding a military expedition in preparation against colonies of British North America, &c., &c.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot and have provided and prepared, and are still engaged in providing and preparing, means for a military expedition and enterprise, which expedition and enterprise is to be carried on from the territory and jurisdiction of the United States against colonies, districts, and people of British North America, within the dominions of the United Kingdom of Great Britain and Ireland, with which said colonies, districts and people, and kingdom the United States are at peace;

And whereas the proceedings aforesaid constitute a high misdemeanor, forbidden by the laws of the United States as well as by the law of nations:

Now, therefore, for the purpose of preventing the carrying on of the unlawful expedition and enterprise aforesaid from the territory and jurisdiction of the United States and, to maintain the public peace, as well as the national honor, and enforce obedience and respect to the laws of the United States, I, Andrew Johnson, President of the United States, do admonish and warn all good citizens of the United States against taking part in or in anywise aiding, countenancing, or abetting said unlawful proceedings; and I do exhort all judges, magistrates, marshals, and officers in the service of the United States to employ all their lawful authority and power to prevent and defeat the aforesaid unlawful proceedings, and to arrest and bring to justice all persons who may be engaged therein.

And, pursuant to the act of Congress in such case made and provided, I do furthermore authorize and empower Major General George G. Meade, commander of the military division of the Atlantic, to employ the land and naval forces of the United States, and the militia thereof, to arrest and prevent the setting on foot and carrying on the expedition and enterprise aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this sixth day of June, in the year of our Lord one thousand eight hundred and sixty-six, and of the independence of the United States the ninetieth.

[SEAL.] ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 1217.] LEGATION OF THE UNITED STATES,
London, June 14, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1764 to 1771, inclusive.

The public attention has been this week absorbed in the observation of the

* For this enclosure see correspondence with the British legation.

movements in the German states. The failure of the conference has been followed by notes of a more and more hostile tone, until the termination of diplomatic relations between Austria and Prussia has removed the last obstruction to a rupture. Meanwhile, both parties are restrained from commencing hostilities by a fear of the effect of it upon the still wavering policy of the smaller German states acting through the forms of the Diet. This hesitation, however, can last but a short time longer. The slightest accident may put an end to it at any moment.

The declaration made by the Emperor of the French, and read in the French chamber, is susceptible of many constructions, but, if taken in connection with the speech at Auxerre, it seems to me to indicate distinctly enough the expectations generated by the crisis. If the treaties of 1815, which last settled the balance of Europe, are to be obliterated, it is clear that a war can only terminate by the substitution of some other general plan. It is at that point that the Emperor expects to step in with conditions for the advantage of France, made contingent upon any and every acquisition, which success in the war may secure to either of the contending powers.

It only remains to be seen how Great Britain, with her new theory of non-intervention, can peacefully counteract this policy, so as to preserve her relative station in Europe. Entertaining no hearty confidence in the French Emperor, she is yet compelled in a degree to rely on his professions as a justification for her own course of abstention. Hence it is not at all unlikely that she may be in the end suddenly brought, as in the case of Savoy, to the recognition of a new cession of territory as an accomplished fact, from sheer inability to resort to any course of measures in season to obstruct it.

The spectacle of the developments of this great movement can scarcely fail to be interesting. But as you have accurate sources of information from its great centres, I shall confine myself to the duty of considering the subject from time to time, only so far as it may bear upon the situation of this people, and through them indirectly upon the interests of our own.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1218.] LEGATION OF THE UNITED STATES,
London, June 14, 1866.

SIR: In connection with your despatches No. 1766, of the 21st, and 1769, of the 29th of May, it may be as well for me briefly to report to you the precise state in which the subject of the people claiming to be Americans who are imprisoned in Ireland now stands.

In consequence of the conversation I last had with Lord Clarendon, as reported in my No. 1210, of the 1st of June, his lordship sent me, with a confidential private note, the reports which he had procured from the lord lieutenant of Ireland, touching the treatment of all these cases. The substance of it was to the effect that the invidious discrimination in the right of access to the two classes of prisoners, native and naturalized, had been waived; that those who were natives, and such of the naturalized as did not appear to have been seriously implicated in the conspiracy were in process of liberation, under conditions of departure from the island, and lastly, that only those whom there was very strong reason to believe deeply implicated in the plot, and who had been sent out for the purpose of taking an active share in leading the contemplated military op-

erations, were to be retained in confinement. Among these were specifically designated Burke, Mykins, Gleeson, Kirwan, and other officers in the late war in America, about whom I have been desired by you to make representations. But since this report was sent, it appears from a report of Mr. West that his liberty had been offered to the last named, Kirwan, and refused by him with indignation on account of the condition of departure under guard.

Under the circumstances, I am compelled to confess my belief that most, if not all, of these parties have been, in fact, sent here with a view to the execution of the military part of the Fenian project. But a small proportion of the whole number have been able to prove their naturalization. The native Americans, so far as I know, have been released, including James Smith, the person to whom your despatch No. 1753, of the 1st May, relates. I shall continue to do all in my power to relieve all those persons who seem to be entitled to claim assistance, either as native or naturalized citizens, even though some of the latter may not by their action furnish very good grounds for intercession in their behalf.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1788.] DEPARTMENT OF STATE,
Washington, June 16, 1866.

SIR: I will thank you to bring to the attention of her Majesty's government the case of Mr. Thomas E. Blackwell, who it is alleged is imprisoned in Clonmel jail, Tipperary, Ireland, on suspicion of sympathizing with Fenianism, and to request that he may be released, if upon investigation it is ascertained that there is not sufficient reason for his detention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1789.] DEPARTMENT OF STATE,
Washington, June 16, 1866.

SIR: I will thank you to bring to the attention of her Majesty's government the enclosed copy of a representation made by a number of gentlemen of Hartford, Connecticut, in regard to the case of Thomas J. Hynes, who, it appears, is improperly imprisoned in Ireland by the British officers. The necessity of this application may be removed by the release of Mr. Hynes anterior to the date of this despatch, but if this be not the case you may request information concerning the reasons which warrant a continued detention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dixon to Mr. Seward.

SENATE, *June* 12, 1866.

I respectfully call the attention of Mr. Seward to the within, and ask his interposition, if consistent with the public interest.

JAMES DIXON.

HARTFORD, CONNECTICUT, *June* 11, 1866.

The undersigned, citizens of the city of Hartford, in the State of Connecticut, respectfully represent that Thomas J. Hynes, a native of Ireland, who emigrated to this country in the year 1857, and who is now about twenty-four years of age, a resident of said city of Hartford, and a naturalized citizen of the United States, and a man of good character and repute, sailed from New York on the 21st of April last for Europe, for the benefit of his health, and to make a visit to his parents, who reside in Cashentray, in the county of West Meath, Ireland, and with the intention of bringing his father to this country with him on his return. That previous to his departure he was in the employment of the State Bank of this city, and obtained a leave of absence from the bank for two months, intending to return at the expiration of that time. A passage ticket for his father was forwarded to him on the 10th of May, and we are entirely satisfied that his journey was solely for the purposes before mentioned, and had no relation to any political movement whatever.

On the 18th day of May, 1866, while stepping from a steamer at the North Wall, Dublin, the said Thomas J. Hynes was arrested as a Fenian emissary, and has since been confined in Richmond Bridewell, as we learn from the public prints and from his brother, Captain James L. Hynes, of Hartford.

The said Thomas J. Hynes has three brothers residing in Hartford, all respectable naturalized citizens, who feel the greatest distress on account of their brother's situation, and the greatest solicitude for his safety.

On his own and his brother's behalf we take the liberty to respectfully request that the proper steps may be taken through your department to obtain, if possible, his release from arrest and confinement. His friends have not been able to hear from him since his arrest.

E. S. Cleaveland.	H. H. Bartner.
I. B. Colt.	V. M. Allyn.
Henry C. Robinson.	E. H. Queen.
William D. Shipman.	George Bissett.
Henry C. Deming, M. C.	C. M. Natham.
James Hamersley.	Eslesia Colt.
C. H. Brainard.	Julius Catlin.
George F. Hills.	Allyn S. Stillman.
Charles R. Chapman.	Calvin Day.

Hon. WILLIAM H. SEWARD,
Secretary of State for the United States.

Circular to the diplomatic agents and consuls of the United States.

DEPARTMENT OF STATE,
Washington, June 18, 1866.

GENTLEMEN: Your attention is specially invited to the subjoined order of this date, relative to the payment of appropriate honors to the memory of the late Lewis Cass, whose last official public service was rendered to his country as the head of this department.

You will cause the flags of your several offices to be displayed at half-mast on the reception of this circular, and will adopt the usual symbols of public mourning for a period of thirty days.

I am, gentlemen, your obedient servant,

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, June 18, 1866.

The President directs the undersigned to perform the painful duty of announcing to the people of the United States that Lewis Cass, distinguished not more by faithful service in *varied public trusts* than by exalted patriotism at a recent period of political disorder, de-

parted this life at 4 o'clock yesterday morning. The several executive departments of the government will cause appropriate honors to be rendered to the memory of the deceased, at home and abroad, wherever the national name and authority are acknowledged.

WILLIAM H. SEWARD.

Mr. Adams to Mr. Seward.

No. 1219.] LEGATION OF THE UNITED STATES,
London, June 21, 1866.

SIR: I have to acknowledge the reception of despatches from the department, Nos. 1772 and 1773.

The information received in the first of these, dated the 4th instant, came in confirmation of the telegraphic intelligence printed in the newspapers. The effect of the action of the government upon the public mind here has been very great. I have received in social circles the most marked and pointed expressions of their sense of it from many leading persons of both parties. At no time since the revolution has the reputation of the country stood so high in Europe as it does now. I am the more gratified in mentioning this fact, the natural consequence of the firm and elevated policy pursued by the government since the year 1861, that it does not seem to me to have been as yet so fully appreciated at home as it should be.

By a singular coincidence the declaration of war by Prussia and Italy against Austria was issued on the 18th instant, the very same day that the domestic struggle in the House of Commons here on the reform bill was brought to an end by the defeat of the ministry on an incidental vote, and their resignation. The Queen having, against the advice of the cabinet, betaken herself to the most remote part of the kingdom for a time, causes, by her absence at such a distance, a period of suspense in the arrangement, which has necessitated an adjournment of Parliament over to Monday. As yet nothing more definite is known. The general expectation is that Lord Derby will be called upon to form a new combination out of the heterogeneous elements before him. In the face of the complication in Europe, which is daily assuming greater proportions, as well as the very limited support which his lordship can be sure of in the present House of Commons for any policy which he would be likely to pursue, it seems as if an appeal to the country could not be very long delayed. This can hardly fail to be the signal for the commencement of a popular agitation which may before it ends shake the country to its foundations. If the estimate of the liberal party be correct, that this reform bill embraces a grant of the suffrage to two hundred thousand of the adult male population, it can scarcely be imagined that so material an element in the state will have no power ultimately to affect its opinions even though unable to take any immediate part in its action. These people have the advantage of the concessions which have been wrung from all sides of the substantial justice of their claim to consideration. Here is a nucleus around which must gather every kind of discontent that may be developed by events. I cannot help thinking that the aristocracy, which in its terror of John Bright and the influence of American institutions, has refused to accept the very moderate change now proposed, will run the risk of being forced in the end to consent to a much more radical and extensive one. The longer the claims are denied, the more overpowering may be their final success. But as we are now only at the threshold, it is of course out of the question to pretend to see far into the distance of the future. I shall endeavor to keep you informed of the facts as they gradually disclose themselves to the public observation.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1220.] LEGATION OF THE UNITED STATES,
London, June 22, 1866.

SIR: I have received this week a complaint made by Captain Freeman, of the ship Kentuckian, at Sunderland, in the form of a protest against the action of the authorities of that place in releasing a certain number of his crew, confined by him on board, under advice of the United States consular agent, for threatening to desert the ship. Not only did they do this, but they also inflicted a fine on him for what they allege to have been an unjust assault. The vice-consul at Newcastle, Mr. Orwin, has submitted to me a statement of the facts, and asked of me instructions what to do. This has led me to an examination of the correspondence heretofore carried on with the British government by my predecessors in this legation on the general subject to which this complaint belongs. I find that, without the presence of any treaty stipulations touching this matter, there is no power whatever to control the action of the local authorities upon all cases of desertion or mutiny or refusal to work among seamen belonging to foreign vessels in the ports of this kingdom. It does, however, appear that, in consequence of complaints made by foreign powers, an act was passed by Parliament in 1852, designed to meet this case. It was, however, predicated upon a condition of corresponding legislation on their part, which, so far as the United States were concerned, interposed at that time an insuperable barrier to their acceptance of it. The old question of the status of the slaves reappeared, and, as was commonly the case in that day, overpowered every argument in favor of action based on other grounds. This obstacle is now entirely removed, so that it may be deserving of your consideration whether some measures may not now be expedient in order to secure for our merchantmen the protection of the provisions of this law. To this end, instead of occupying your time in going over the argument or recapitulating the facts connected with former negotiations, I shall confine myself to the task of pointing out, in the list annexed to this despatch, the precise despatches embracing the history of the matter, by reference to which in the records of the department you will be at once put in possession of the merits of the case. As it is barely possible that you might not find among them a printed copy of the act of 1852 itself, I have the honor to transmit one herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Memorandum as to the foreign deserters act.

Mr. Buchanan to Mr. Marcy, No. 62, of 9th of March, 1855—reports that Lord Clarendon had proposed that the United States shall accede to the act, but Mr. B. refused.

Same to same, No. 78, of 29th of June, 1855—Lord Clarendon renews his proposal, and it is again refused.

Mr. Appleton to Mr. Dallas, No. 73, of 25th of June, 1857—it might be well for Mr. Dallas to have the act extended to vessels of United States citizens.

Mr. Dallas to General Cass, No. 62, of 17th of July, 1857—he points out Mr. Buchanan's refusal to accede to the act, and asks further instructions.

General Cass to Mr. Dallas, No. 76, of 3d of August, 1857—Mr. Dallas's objections approved, and the instructions to accede to the act revoked.

Nothing has been done since then in the matter.

CAP. XXVI.

AN ACT to enable her Majesty to carry into effect arrangements made with foreign powers for the apprehension of seamen who desert from their ships.

Whereas arrangements have been made with certain foreign powers for the recovery of seamen deserting from the ships of such powers when in British ports, and for the recovery of seamen deserting from British ships when in the ports of such powers; and whereas it is expedient to enable her Majesty to carry such arrangements into effect, and likewise to enable her Majesty to carry into effect any similar arrangements of a like nature which may be made hereafter: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. Whenever it is made to appear to her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, her Majesty may, by order in council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within her Majesty's dominions or the territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

II. Upon such publication as hereinafter mentioned of any such order in council, then, during such time as the same remains in force, and subject to such limitations and qualifications, if any, as may be therein contained, every justice of the peace or other officer having jurisdiction in the case of seamen who desert from British merchant ships in her Majesty's dominions or in the territories of the East India Company shall, on application being made by a consul of the foreign power to which such order in council relates, or his deputy or representative, aid in apprehending any seaman or apprentice who deserts from any merchant ship belonging to a subject of such power, and may for that purpose, upon complaint on oath duly made, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, order him to be conveyed on board the vessel to which he belongs, or to be delivered to the master or mate of such vessel, or to the owner of such vessel or his agent, to be so conveyed; and thereupon it shall be lawful for the person ordered to convey such deserter, or for the master or mate of such vessel, or the owner or his agent, (as the case may require,) to convey him on board accordingly.

III. If any person protects or harbors any deserter who is liable to be apprehended under this act, knowing or having reason to believe that he has deserted, such person shall for every offence be liable to a penalty not exceeding ten pounds, and every such penalty shall be recovered, paid, and applied in the same manner as penalties for harboring or protecting deserters from British merchant ships.

IV. Every order in council to be made under the authority of this act shall be published in the London Gazette as soon as may be after the making thereof.

V. Her Majesty may, by order in council, from time to time revoke or alter any order in council previously made under the authority of this act.

VI. This act may be cited as the "foreign deserters act, 1852."

June 17, 1852.

Mr. Seward to Mr. Adams.

No. 1792.] DEPARTMENT OF STATE,
Washington, June 26, 1866.

SIR: Referring to instruction No. 1743 from this department in regard to the disposition to be made by you of the first instalment of the Simonoseki indemnity, which has been paid by the Japanese government, I now transmit for your information, and with a view to the carrying out of the instructions upon that subject heretofore sent you, a copy of a despatch* of the 13th of April from Mr. Portman, our chargé d'affaires *ad interim* at Yedo, together with the original receipt, in quadruplicate, signed by the officer in charge of the British commission at Yokohama, for the sum of five hundred thousand dollars, ($500,000,) or one hundred and six thousand and two hundred and fifty pounds sterling (£106,250.)

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

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* For enclosure see correspondence with Japan.

Mr. Adams to Mr. Seward.

No. 1223.] LEGATION OF THE UNITED STATES,
London, June 28, 1866.

SIR: I have to acknowledge the reception from the department of despatches numbered from 1774 to 1781, inclusive.

The event not unanticipated in some of my previous despatches has at last taken place. A sufficient consolidation of the disaffected elements of the ministerial party was at last made on an amendment to one clause of the enfranchisement bill, materially to change its general character. As a consequence, the only alternative to the resignation of the ministry was a dissolution of Parliament. After much consultation it was not deemed expedient to have recourse to this, so that on Tuesday Lord Russell in the upper house, and Mr. Gladstone in the commons, announced that the Queen had that day accepted their resignation. She had manifested much reluctance to do so, mainly, it is understood, from her confidence in Lord Clarendon's management of the foreign department, and her unwillingness to part with him at this moment of embroilment in the affars of the continent. It was not until Wednesday that the Earl of Derby was sent for. He has since been engaged in the necessary consultations with his friends and those disaffected liberals from whom he must obtain promises of co-operation as a condition precedent to any thought of assuming the reins. It is supposed that a result will be reached some time in the course of the day. Already several lists of the new ministry have appeared in the journals, but it is plain that they rest on no basis but conjecture as to what is most likely to be the cast.

Whatever may be the ultimate issue I see no present reason to presume that any essential alteration will follow in the policy adopted towards the United States. At no time since I have been here has the popular feeling been so favorable, and so little disposition shown to carp at America for any shortcomings, whether fancied or feigned. Although I shall regret the retirement of Lord Clarendon, on account of the very friendly personal relations I have been so fortunate as to establish with him since he has been in office, I have no reason to suppose that any one of those who have yet been named for that place on the other side will not be disposed to follow pretty much the same line of action. It will, however, be apparent to you at a glance that, for the moment, my faculty of communicating your views to this government is entirely suspended. I refer more particularly to those explained to me in your despatch No. 1779, of the 9th of June. I take it for granted that the lord lieutenant of Ireland will be changed, and hence the work which I had already prosecuted in the sense of that document may need to be done over again. In which case I shall enjoy the additional advantage of being fortified by your instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1224.] LEGATION OF THE UNITED STATES,
London, June 28, 1866.

SIR: I have the honor to transmit a copy of the proclamation of neutrality issued by the Queen in regard to the conflict which is now raging on the continent.

The tendency of the news of the past week is to show that the military position of Austria will not be easy to deal with by either or both of her antagonists, provided there be no external interference. The commencement of such a struggle, however, furnishes, as yet, little clue to any possible issue. Prussia still enjoys the advantages gained by her promptness in seizing the resources of several of the smaller powers of Germany, whose dispositions towards her were at least equivocal. She evidently grasps them with a view to an ultimate absorption into her own social organization.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

BY THE QUEEN.—A PROCLAMATION.

VICTORIA, R.

Whereas we are happily at peace with all sovereigns, powers, and states; and whereas, notwithstanding our utmost exertions to preserve peace between all the sovereign powers and states now at war, hostilities have unhappily commenced between his imperial Majesty the Emperor of Austria, his Majesty the King of Prussia, his Majesty the King of Italy, and the Germanic confederation; and whereas a state of war now exists between his imperial Majesty the Emperor of Austria, his Majesty the King of Prussia, his Majesty the King of Italy, and the Germanic confederation, and between their respective subjects and others inhabiting within their countries, territories, or dominions; and whereas we are on terms of friendship and amicable intercourse with all and each of these sovereigns, and with the Germanic confederation, and with their several subjects, and others inhabiting within their countries, territories, or dominions; and whereas great numbers of our loyal subjects reside and carry on commerce, and possess property and establishments, and enjoy various rights and privilges within the dominions of each of the aforesaid sovereigns and states, protected by the faith of treaties between us and each of the aforesaid sovereigns and states; and whereas we, being desirous of preserving to our subjects the blessings of peace, which they now happily enjoy, are firmly purposed and determined to abstain altogether from taking any part, directly or indirectly, in the war now unhappily existing between the said sovereigns and states, their subjects and territories, and to remain at peace with, and to maintain a peaceful and friendly intercourse with all and with each of them, and their respective subjects, and others inhabiting within any of their countries, territories, and dominions, and to maintain a strict and impartial neutrality in the said hostilities and war unhappily existing between them; we, therefore, have thought fit, by and with the advice of our privy council, to issue this our royal proclamation.

And we do hereby strictly charge and command all our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid hostilities and war, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril.

And whereas in and by a certain statute made and passed in the fifty-ninth year of his Majesty King George the Third, entitled "An act to prevent the enlisting or engagement of his Majesty's subjects to serve in a foreign service, and the fitting out or equipping, in his Majesty's dominions, vessels for warlike purposes without his Majesty's license," it is amongst other things declared and enacted as follows: "That if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty, for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equpping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of government in or over any foreign state, colony, province, or part of any province or people, as a transport or store-ship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising, or assuming to exercise, the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom his Majesty shall not then be at war, or shall, within the United Kingdom, or any of his Majesty's dominions, or in any settlement, colony, territory, island, or place, belonging or subject to his Majesty, issue or deliver any commis-

sion for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of his Majesty's customs or excise, or any officer of his Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade and navigation, to seize such ships and vessels aforesaid, and in such places and in such manner, in which the officers of his Majesty's customs or excise, and the officers of his Majesty's navy, are empowered respectively to make seizures under the laws of customs and excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to, or be on board of such ship or vessel, may be prosecuted and condemned, in the like manner and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation;"

And it is, in and by the said act, further enacted, "That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of his Majesty's dominions beyond the seas, without the leave and license of his Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of the guns of such vessel, or changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting, the warlike force of any ship or vessel of war, or cruiser, or other armed vessel, which, at the time of her arrival in any part of the United Kingdom, or any of his Majesty's dominions, was a ship of war, cruiser, or armed vessel, in the service of any foreign prince, state, or potentate, or of any person or persons exercising, or assuming to exercise, any powers of government in or over any colony, province, or part of any province or people belonging to the subjects of any such prince, state, or potentate, or to the inhabitants of any colony, province, or part of any province or country, under the control of any person or persons so exercising, or assuming to exercise, the powers of government, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon being convicted thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court before which such offender shall be convicted:"

Now, in order that none of our subjects may unwarily render themselves liable to the penalties imposed by the said statute, we do hereby strictly command that no person or persons whatsoever do commit any act, matter or thing whatsoever contrary to the provisions of the said statute, upon pain of the several penalties by the said statute imposed, and of our high displeasure.

And we do hereby further warn and admonish all our loving subjects, and all persons whatsoever entitled to our protection, to observe towards each and all of the aforesaid sovereigns and states, their subjects and territories, and towards all belligerents whatsoever with whom we are at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which we and our royal predecessors have always claimed to exercise.

And we do hereby further warn all our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our royal proclamation, and of our high displeasure, to do any acts in derogation of their duty as subjects of a neutral sovereign, in a war between other sovereigns and states, or in violation or contravention of the law of nations in that behalf, as more especially by breaking or endeavoring to break, any blockade lawfully and actually established by or on behalf of any or either of the said sovereigns and states, by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war, according to the law or modern usages of nations, for the use or service of any or either of the said sovereigns and states, that all persons so offending, together with their ships and goods, will rightfully incur, and be justly liable to, hostile capture, and to the penalties denounced by the law of nations in that behalf.

And we do hereby give notice that all our subjects and persons entitled to our protection who may misconduct themselves in the premises will do so at their peril and of their own wrong; and that they will in no wise obtain any protection from us against such capture or such penalties as aforesaid, but will, on the contrary, incur our high displeasure by such misconduct.

Given at our court at Windsor, this twenty-seventh day of June, in the year of our Lord one thousand eight hundred and sixty-six, and in the thirtieth year of our reign.

God save the Queen!

Mr. Seward to Mr. Adams.

No. 1794.] DEPARTMENT OF STATE,
Washington, July 2, 1866.

SIR: Your despatch of the 14th of June, No. 1217, has been received. Later advices report the virtual dissolution of the German bund. I apprehend that collision has actually occurred between Austria and Prussia.

I am not surprised by the forbearance which the British government at present exhibits in regard to the war; but I shall be very much disappointed if the people of Great Britain shall permanently acquiesce in the silence of their government, and its waiting for events.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1796.] DEPARTMENT OF STATE,
Washington, July 3, 1866.

SIR: Your very interesting despatch of the 7th ultimo, No. 1213, relative to the effect of the proceedings of the opposition party in the British Parliament upon the measures of reform, has been received and attentively read. I thank you for the expression of your views of the prevailing sentiment in regard to this important question.

I think, however, that it would be unbecoming as well as unprofitable for me to discuss the influence which the occurrence may exert upon the domestic question of reform of the suffrage and representation in England.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1227.] LEGATION OF THE UNITED STATES,
London, July 5, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1782 to 1790 inclusive.

The interregnum occasioned by the resignation of the ministry still continues and business remains suspended. It is understood that Lord Derby, having failed to obtain the co-operation of the section of the liberal party which occasioned the necessity of a change, has determined upon attempting to go on with his own friends only. The list of his cabinet circulating in the newspapers is believed to be substantially correct. It is obvious that this structure can last merely by sufferance of the majority in the commons, who stand without the pale. The course of Mr. Lowe and his friends is plainly to attempt to control the restoration of their own party under conditions rather than to identify themselves with their opponents; but it will, I think, prove more difficult to impose such conditions to bind the advanced section of the liberal party, than to coalesce with the other side. Hence the question may ultimately resolve itself into this: whether the conservatives will consent to merge themselves under the lead of the moderate whigs, or the latter will finally abandon their pretensions to the

highest places and their ancient name. Thus far it certainly does not seem as if the amount of ability and character enlisted in this venturous enterprise could prove adequate to the task undertaken.

It is possible that by avoiding every topic of a disputed nature and accelerating the day of adjournment of Parliament, this state of things may last until the reassembly in February. Much will depend upon the course of events on the continent. The Prussians now appear to be gaining the ascendant in Germany so rapidly that the interposition of the other great powers may be necessary to save Austria from sinking too low for the general safety. In that event it will become difficult for this country to adhere to its policy of isolation. Lord Stanley is understood to be the type of that policy, and for this reason he has been selected for his particular post. But it is well known that in this he does not represent the true feeling of the party to which he belongs.

Just now there is a tendency in some quarters to draw closer to the United States. It has been made visible in a few of the leading journals that lean to the conservative side. I transmit to you a copy of the Times of yesterday, which contains a leader on the national anniversary that may have significance in this connection.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1229.] LEGATION OF THE UNITED STATES,

London, July 6, 1866.

SIR: In connection with your despatches Nos. 1788 and 1789, of the 16th of June, I have at present to observe that I have seized the earliest opportunity to cause inquiries to be made at Dublin concerning the causes of detention in the two cases therein referred to. So soon as an answer is received I shall take any further measures that may be necessary, and report to you thereon.

It appears there are two persons of the name of Hynes imprisoned in Ireland, and that some confusion has arisen therefrom as well with the authorities as with myself. The one is named Thomas Hynes, who styles himself of Kansas, and the other Thomas J. Hynes, referred to in the papers connected with your No. 1788 as of Hartford, Connecticut. Inquiries had already been made in regard to the former, in consequence of letters addressed to me by him, and I regret to say they had been rather unfavorably answered. Not then knowing that there were two of the name, I rather hastily presumed that the latter was the person concerned. But this mistake has been corrected by Mr. West, and a distinct investigation entered upon.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1230.] LEGATION OF THE UNITED STATES,
London, July 7, 1866.

SIR: I have received a telegraphic despatch from Mr. West, the consul at Dublin, communicating the information that Colonel Burke and Daniel J.

Mykins had been liberated. I regret to learn also that the reply in the case of Hynes is very unfavorable. Mr. West promises a full report in a despatch by the post on Monday. But as that will be too late for the bag this week, I thought it best to communicate the substance of his report to you at once.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1232.] LEGATION OF THE UNITED STATES,
London, July 7, 1866.

SIR: The newspapers will carry out to you by this day's steamer the intelligence of the extraordinary step taken by Austria in ceding Venetia to the Emperor of France, and the overtures made by the latter to the two powers of Prussia and Italy to procure for her an armistice preliminary to a negotiation for peace.

The impression this morning is that the disposition of the victors is not favorable. A little reflection may, however, serve to convince them that neither of the three great neutral powers will look with much favor upon projects of overthrowing Austria completely.

The development of this great drama which will now take place must be of the highest possible importance to the future condition of Europe, as it cannot fail to end in material changes in the relative position of the great powers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1235.] LEGATION OF THE UNITED STATES,
London, July 12, 1866.

SIR: On Monday last the customary forms of introduction to the new secretary of foreign affairs, Lord Stanley, were gone through with by the corps diplomatique.

I have been long personally acquainted with his lordship, as we have been more or less brought together by service as trustees of the fund given by Mr. George Peabody for the benefit of the poor of London.

My interview was a very brief one. His lordship in welcoming me remarked that he presumed his sentiments towards the United States had been long well known to me. He had always favored the cultivation of friendly relations with us, and it had been a cause of regret that they should have been at all endangered during the late struggle by ill-considered speeches made in Parliament, and by the ill-temper of the newspapers.

I replied that if any change was to be made in the department, it was a matter of satisfaction to me that it was only to meet a personal acquaintance of whose friendly sentiments I had been long aware. For the rest I could say, on my part, that the errors of newspapers in working to stir up strife had not been

altogether confined to one side. We had something to answer for in this regard, also, in America.

I then observed that I had nothing of a business character to bring to his notice. It was a noteworthy change in our situation that now it seldom happened to me to be obliged to encroach upon the secretary's time. The only thing that I thought of at the moment related to a despatch I had just received touching the payment of the instalment of the Japanese indemnity, and my position as qualified to receive the money whenever it should be ready. Of this matter, which was evidently new to him, his lordship made a note, and I took my leave.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1238.] LEGATION OF THE UNITED STATES,
London, July 14, 1866.

SIR: I have received from Mr. West the promised information relating to the liberation of Colonel Burke and others, of which he had given me notice by telegraph.

It appears from these papers that the authorities have consented to release Colonel Burke, Daniel J. Mykins, Patrick J. Condon, Stephen Farrell, Michael Kirwin, and James E. McDermot, solely on the ground that the government of the United States has taken an interest in their fate, and in a spirit of courtesy and conciliation. They adhere to the belief that they were more or less guilty, and for that reason they impose conditions of immediate departure under supervision.

To this proceeding Colonel Burke and Patrick J. Condon take exception, and decline to abide by the conditions.

I have desired Mr. West, in all such cases, to make no effort to influence these decisions in one way or the other. In cases where the parties decide to remain, he will continue his services in their behalf with the authorities on every favorable opportunity, as before.

I cannot help thinking, from the tone of some of the letters, that disappointment in not being able to raise questions between the governments is quite as strong a motive as injured innocence. Those in whose favor are the strongest presumptions have not been the ones inclined to make difficulties about being released.

I have heretofore acted on the presumption that Mr. West had been steadily furnishing the department with copies of his correspondence with the authorities and myself.

But as I now learn from him that he has not done so, I shall take an early opportunity to supply that deficiency.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1239.] LEGATION OF THE UNITED STATES,
London, July 14, 1866.

SIR: Mr. Fox, who arrived in the Miantonomoh at Spithead on the 23d of June, remained in London only a few days, during which time an opportunity was furnished to the officers of the admiralty, as well as citizens generally, to visit the vessel. It has excited a very great interest in all classes. I procured for him a presentation to the Prince of Wales and the Duke of Edinburgh, in the course of which they expressed a desire to go down to see it.

At that moment Mr. Fox had made his arrangements to cross in it at once to Cherbourg, and to go himself from thence to Paris. But in consequence of this application he directed it to return to the mouth of the Thames, and devolved upon me the duty of superintending the details of the projected visit. This is a business with which I am little familiar. I have, however, made the necessary arrangements, in conjunction with the officers of the squadron, to receive the Princes and their suite on board to-day at half past one o'clock.

* * * * * * * *

I have likewise been applied to by several very distinguished persons, in a manner which seemed to render it proper to include them in the party, with the consent of the Prince of Wales.

* * * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1801.] DEPARTMENT OF STATE,
Washington, July 14, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 28th of June, No. 1223, in which you announce the resignation of Earl Russell's government.

It pleases us to have your opinion that the change of ministers will not materially affect the diplomatic interests of the United States. Of course we shall expect you to wait, with entire respect and kindness, the organization of the new government before pressing upon it the matters upon which you have lately received special instructions.

I think it necessary, however, to add that it is deemed highly important here that the earliest possible attention of the incoming ministry shall be recalled to the points relating to our matters in Ireland. * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1805.] DEPARTMENT OF STATE,
Washington, July 18, 1866.

SIR: I enclose herewith a communication from Thomas Hynes, late of Kansas, who, it appears, has been arrested on suspicion of being engaged in the Fe-

nian movement in Ireland, and is now detained in Mount Joy prison, Dublin. I will thank you to invite the attention of her Majesty's government to the matter, and to request that an investigation may be made at their earliest convenience, with a view to the liberation of Hynes, if the facts are as stated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hynes to President Johnson.

MOUNT JOY PRISON, *Dublin, June* 25, 1866.

HONORABLE SIR: Having applied in vain to the representatives of our government here for that protection to which, as citizens of the great republic, we feel justly entitled, we call upon you, Mr. President, knowing that you, of all men, are the person who has it in his power to aid us. To me it is incomprehensible why the United States authorities permit us to remain the victims of a foreign despotism—treated as the vilest criminals, shut up in convict cells, and laughed at if we speak of our adopted country. I have committed no crime or violated no law, and I am sure that the same is the case with scores of my fellow-citizens whom I daily see, but to whom it is a crime to speak.

Mr. West, the United States consul here in Dublin, told me that his position had become a very humiliating one, since *all* the requests and demands which he made were made with the foreknowledge that they would be refused. This very fact is enough to make an American blush. We are told plainly that we are subjects of her Majesty—documents to the contrary notwithstanding. I am a cripple—never bore arms, and never can. Should my imprisonment be prolonged I will be ruined for life. I hope, Mr. President, you will, as you have heretofore done, remember the suffering, and at the same time vindicate our national honor.

With this hope I remain, yours, hopefully,

THOMAS HYNES,
Late of Kansas, United States.

Hon. ANDREW JOHNSON,
President of the United States.

Mr. Seward to Mr. Adams.

No. 1806.] DEPARTMENT OF STATE,
Washington, July 18, 1866.

SIR: I give you, for your information, a copy of the *correspondence which has taken place between this department and Mr. Portman, chargé d'affaires in Japan.

You will please ask an early interview with her Majesty's principal secretary of state for foreign affairs, and give him, for the information of his government, a copy of my despatch to Mr. Portman.

I will thank you to communicate to me the decision which the British government may make upon the question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1242.] LEGATION OF THE UNITED STATES,
London, July 19, 1866.

SIR: The new government having passed through the necessary re-elections of some of its members, is now completely organized. Very little interest is,

* For enclosures see correspondence with Japan.

however, attached to the proceedings of Parliament, as it is understood on all hands that no question will be raised at this session. All the measures brought forward by the last ministry, which have been more or less matured, will be quietly shelved, so that it will be in the power of both parties to take a fresh start next year. It is expected that the prorogation will take place on or about the 8th of August, after which the government may be able to go on without difficulty until March of next year.

Meanwhile efforts are quietly in progress to bring about pacification on the continent. The great success of Prussia leaves nothing to be done but to define the terms to which Austria will be obliged to submit. * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1243.] LEGATION OF THE UNITED STATES,
London, July 21, 1866.

SIR: I have the honor to report to you the payment to me by the lord's commissioners of the treasury of the sum of £27,802 1*s.* 8*d.* on account of the share of the United States in the first instalment of the Japanese indemnity.

The authority to act in this matter was conferred upon me in your despatches No. 1743 of the 23d of April, No. 1783 of the 16th, and No. 1792 of the 26th of June, 1866. In further execution of the instructions therein contained, I have this day deposited the draft on the Bank of England received for the above-named sum, with Messrs. Baring Brothers & Company, to be carried to the credit of the Secretary of State.

Copies of the correspondence on the subject are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Stanley to Mr. Adams.

FOREIGN OFFCE, *July* 14, 1866.

SIR: I have the honor to inform you that I have ascertained that the lords commissioners of her Majesty's treasury have either given, or are about to give instructions to the paymaster general to pay to you a sum of twenty-seven thousand eight hundred and two pounds one shilling and eight pence, (£27,802 1*s.* 8*d.*,) representing a sum of one hundred and thirty thousand eight hundred and thirty-three dollars and one-third,—viz.: special claim, $23, 333⅓; general share, $107,500, making $130,833⅓—in respect of the first instalment of five hundred thousand dollars, ($500,000,) received from the Japanese government on account of the indemnity; and that as the lords of the treasury are not informed of the precise market value of the dollar when the amount of the instalment was first paid into the treasury chest, they have temporarily adopted the British official rate of exchange, with a view to a final adjustment of any fractional difference in the rate of exchange being made when the actual market value of the dollar has been ascertained at the several periods of payment.

I have the honor, &c., &c.,

STANLEY.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hamilton to Mr. Adams.

No. 10,001.]
No. 10,898.] TREASURY CHAMBERS, *July* 14, 1866.

SIR: I am commanded by the lords commissioners of her Majesty's treasury to acquaint you that the paymaster general has been authorized to pay you the sum of £27,802 1*s.* 8*d.* on account of the share of the first instalment of the Japanese indemnity, payable to the American government.

I have the honor, &c., &c.,

GEORGE A. HAMILTON.

His Excellency CHARLES FRANCIS ADAMS,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

Mr. Adams to Lord Stanley.

LEGATION OF THE UNITED STATES,
London, July 16, 1866.

MY LORD: I have had the honor to receive your lordship's note of the 14th instant, informing me of the mode in which her Majesty's government proposes to pay over the share of the first instalment of the indemnity paid by the Japanese government assigned to the United States.

I shall take pleasure in transmitting the information to my government.

I pray your lordship, &c., &c.,

CHARLES FRANCIS ADAMS.

The Right Hon. Lord STANLEY, *&c., &c., &c.*

Mr. Adams to Mr. Hamilton.

LEGATION OF THE UNITED STATES,
London, July 16, 1866.

SIR: I have the honor to acknowledge the reception of your letter advising me of the decision of the lords commissioners of her Majesty's treasury, authorizing the paymaster general to pay over to me, as the agent of the government of the United States, the sum of £27,802 1*s.* 8*d.* on account of the share of the first instalment of the Japanese indemnity, payable to that government.

I shall be prepared to receive the same at any moment that you may do me the favor to designate the time and the form which may be requisite for the completion of the transaction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

G. A. HAMILTON, Esq., *Treasury Chambers.*

Mr. Foster to Mr. Adams.

PAYMASTER GENERAL'S OFFICE,
Whitehall, July 20, 1866.

SIR: By direction of the lords commissioners of her Majesty's treasury, I have the honor to forward to your excellency a draft payable to your order for the sum of £27,802 1*s.* 8*d.*, being the portion due to the United States of America on account of the Japanese indemnity money.

The draft, on being indorsed by your excellency, can be paid to your bankers, who, on presenting it at the Bank of England, will at once receive credit for the amount.

With the highest consideration, I have the honor to be, your excellency's most obedient servant,

M. H. FOSTER.

His Excellency CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Adams to Mr. Foster.

LEGATION OF THE UNITED STATES,
London, July 21, 1866.

SIR: I have the honor to acknowledge the reception of your letter of the 20th instant, covering a draft on the Bank of England, payable to my order, for the sum of £27,802, 1*s.*

8*d.*, being the portion due to the United States of America, and paid over by the lords commisssioners of her Majesty's treasury on account of the Japanese indemnity.

On behalf of my government, I beg permission through you to express my thanks to the lords commissioners for the facilities furnished to it in the transmission of this money.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

M. H. FOSTER, Esq.,
Her Majesty's Paymaster General's Office.

Mr. Seward to Mr. Adams.

No. 1809.] DEPARTMENT OF STATE,
Washington, July 23, 1866.

SIR: I enclose herewith a copy of a communication of the 3d instant from John O'Connell, in regard to his brother Thomas, who, it appears, was arrested in Ireland by the British authorities on suspicion of being interested in the Fenian movement, and is now detained in Mount Joy prison, at Dublin. I will thank you to bring the statement of Mr. John O'Connell to the attention of the British government, with a view to the release of his brother, if upon investigation it shall be found that he is innocent of the charges preferred against him.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. O'Connell to Mr. Seward.

LOUISVILLE, KENTUCKY, *July* 3, 1866.

SIR: My father emigrated from Ireland to Kentucky in 1848, with seven children; one of them, Thomas O'Connell, was in that year seven years old. Within six years *after* the date aforesaid my father was naturalized according to the laws of the United States. My brother Thomas, in August, 1865, went to Ireland to see his friends and for the benefit of his health, he having been an invalid for three years previous. His visit to Ireland had no connection with the Fenians, and he never belonged to or had any connection with such an organization, or any other, with purposes hostile to the government of Great Britian; yet on the 22d day of February, 1866, he was arrested on suspicion, and is now confined in Mount Joy prison, Dublin, charged with being a Fenian. He is innocent, and is a citizen of the United States. He has demanded a trial, and has offered bail for his appearance to answer any charge, but both have been refused.

Convinced that a great and benevolent government will not allow one of her citizens to be oppressed without cause, I respectfully ask that you take steps to cause the release of my brother.

Very respectfully, your obedient servant,

JOHN O'CONNELL.

Hon. WILLIAM H. SEWARD,
Secretary of State.

P. S.—I reside in Louisville, and am well known to General Rosseau, now a member of Congress from this district.

JOHN O'CONNELL.

Mr. Seward to Mr. Adams.

No. 1812.] DEPARTMENT OF STATE,
Washington, July 24, 1866.

SIR: I transmit a copy of a communication of the 20th instant from the honorable S. E. Ancona, of the House of Representatives, relative to the case of

Patrick Hasson, who, it appears, has been arrested at Belfast, Ireland, as a Fenian. I will thank you to adopt the best measures to obtain his release.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Ancona to Mr. Seward.

THIRTY-NINTH CONGRESS OF THE UNITED STATES,
House of Representatives, Washington, July 20, 1866.

SIR: I beg to enclose herewith letter of Lieutenant Michael Hasson, late of the 128th Pennsylvania volunteers, of 19th instant, relative to his brother, Patrick Hasson, an American citizen, and resident of my district, who was arrested by the British government on or about the 18th day of February last, in Belfast, Ireland, and it is believed is still held a prisoner in close confinement there, upon the suspicion of being a Fenian.

Nothing is known by any of his friends of his having been engaged in any unlawful enterprise or purpose to violate the laws in any respect. It is asserted that there is no evidence whatever tending to implicate him with any of the Fenian movements, either in Ireland or elsewhere. Patrick Hasson served in the army of the United States as stated, for nine years, including the whole period of the late war. His name does not appear among those reported in your letter of the 21st instant, copy of which is enclosed.

Will you have the goodness to inform me whether any information of this man's arrest or release has since been received? and if not, that the friendly offices of this government may be exercised in behalf of his early discharge from imprisonment.

I have the honor to be, very respectfully, yours,

S. E. ANCONA.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Hasson to Mr. Ancona.

READING, *July* 19, 1866.

SIR: I have been speaking to you previous to this regarding the arrest of my brother in Ireland, on charge of Fenianism. We have not heard anything of him since the beginning of last January, and, as far as I can ascertain, he has been arrested in Belfast, on or about the 18th day of February, 1866. He is an American citizen, and served nine years in the United States army, and is now imprisoned in Belfast only on suspicion of being a Fenian. He has his naturalization papers and discharge papers along with him. His name is Patrick Hasson. He served five years in E company, fourth United States infantry, under Captain Judah, now brigadier general United States army, and served four years in the late war under Captain Welsh and Captain Barker, in the reserve artillery, army of the Potomac.

Hoping that this will elicit your immediate attention, I remain, sir, with respect, your obedient servant,

MICHAEL HASSON.

Hon. S. E. ANCONA.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1244.] LEGATION OF THE UNITED STATES,
London, July 26, 1866.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1796 to 1800, inclusive.

* * * * * * * * The government is now fully reorganized, and although its durability may be reasonably doubted, there is no cause in my mind why its disposition to reconsider the course of its predecessor should not be tested while it lasts. In connection with

this, I transmit a report of what was said in the House of Commons by Lord Stanley, on Monday night, in reply to a question proposed by Mr. White, the member for Brighton, who has always been friendly to America. Although carefully guarded, it seems to me that the idea of a reopening of the topic is implied as well in his language as in the investigation which has been set on foot.

It had been my intention yesterday, on a casual visit to the Foreign Office for a different purpose, to obtain a moment's interview with his lordship, in order to sound him on this point, and perhaps to communicate to him the substance of your despatch, but, unluckily, he had just left to go to the House of Commons. This will render it necessary to apply for a conference, which I propose to do to-day.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

OUR RELATIONS WITH THE UNITED STATES.

Mr. WHITE wished to ask the secretary of state for foreign affairs whether, looking to the conspicuous good faith and friendly feeling of the government of the United States towards this country in its recent conduct to the Fenians, her Majesty's government was now prepared to submit all claims and matters in dispute between the two powers to an arbitration mutually acceptable.

Lord STANLEY. I agree in the opinion which the honorable member has expressed as to the friendly and honorable feeling that has been shown by the government of the United States with regard to this Fenian affair. [Hear.] I am very anxious, if possible—and I can speak for my colleagues as well as myself—to do anything that is reasonably possible to remove any feeling of irritation or of soreness which may remain in consequence of circumstances connected with the late war. But, with respect to these claims, I am afraid I cannot give him so precise and so positive an answer as he may desire. With regard to the most important of those claims a full discussion has taken place between the government of the United States and those who preceded us in office. That discussion was terminated six or seven months ago, and during the very short time I have been in office those claims have not been revived. They involved questions of considerable perplexity and difficulty, and I need not add that I have had a very short time and very little leisure to consider them. In any case it would be premature on the part of the government to say immediately what answer we should be prepared to give to claims of that kind when they are revived until and unless they are preferred. Perhaps I may say that, with a view to lessen, if possible, the probability of such differences arising in future, it is the intention of the government to advise her Majesty to issue a royal commission to inquire into the working of the neutrality laws, and, if necessary, to revise those laws. [Cheers.]

Mr. Adams to Mr. Seward.

[Extract.]

No. 1246.] LEGATION OF THE UNITED STATES,
London, July 26, 1866.

SIR: The west end of this great metropolis has been this week the scene of most unusual popular excitement, on account of the decision of the authorities to close the gates of Hyde Park at five o'clock on Monday last. The object of this extraordinary step was to shut out the organizations engaged in the support of reform from holding a public meeting there, which had been forbidden by the police, but which they had nevertheless determined to persevere in, at least until actually turned off from the gates, with a view to bringing the question of right into the courts.

Unfortunately for all the parties, the remarkable spectacle of the assembly of

large divisions of the police, and their march in military style along the streets to the point of concentration, had so strongly roused the curiosity of myriads of the floating proletary population, ever on the watch for an excitement, that by the hour designated a great multitude had assembled in front of the principal gates. Hence, when the reform associations made their appearance and experienced the expected refusal, the weakness of the lines of iron railing extending on a street running to the southward had already been tested by these idlers. The immediate consequence was that in a short time the rails, together with the stone coping to which they were fastened, were laid prostrate for almost the entire length of the street. The crowd then rushed in from every point in such numbers, and spread so far and wide, that it was impossible for the comparatively small force prepared for the emergency to think of further measures of prevention. An attempt to have recourse to the military force nearest at hand only served to show the weakness of the device, and to excite the derision of the populace. There seems to have been no bad temper, for the cavalry were received with cheers, whilst for the police were reserved the manifestations of disgust. The end of it was that the people kept their ground all night, and the government prohibition proved utterly powerless.

The news of this event, spread abroad in the journals of the next morning, had the effect of multiplying the numbers of people anxious to witness the scene of the struggle. The magistrates were busy all day in inflicting penalties on some of the offenders, but no possibility remained of regulating the ingress into the park, so that crowds of idlers continued standing from noon till night, which were heavily re-enforced after dark by multitudes of laborers and artisans released from the day's work. Occasionally portions of them showed signs of a disposition to mark their disapproval of certain individuals who had made themselves obnoxious from their remarks on the reform bill, by attacking their windows; but, with the single exception of Lord Elcho's, I believe they did little actual injury. Some damage was done by mistake. At the same time it cannot be denied that the aspect of things was growing more and more grave. Last evening the multitude was greater than ever. The reform associations now felt themselves called upon to interpose. After a conference of the leaders with the head of the Home Office, Mr. Spencer Walpole, in which the latter agreed to promote the submission of the question of right to the courts, they exerted themselves with success to persuade the mob to disperse.

Thus the matter stands to-day; but it is very certain that the result is far from satisfactory to the governing classes. * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1818] DEPARTMENT OF STATE,
Washington, July 30, 1866.

SIR: I transmit herewith for your information a copy of a report made by General Banks, chairman of the house Committee on Foreign Affairs, upon the subject of the neutral relations of the United States, together with a copy of a neutrality bill as it has passed the House of Representatives. The bill failed to be acted upon in the Senate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

MR. BANKS, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to which was referred for consideration resolutions concerning the present struggle of Ireland for independence and for the repeal of the laws, with other papers upon the same subject, have complied with the orders of the House, and respectfully report:

The statutes defining the neutral relations of the United States with other nations ought to rest upon the recognized principles of the law of nations, the stipulations of treaties to which they are a party, and such reciprocal legislation as may be enacted in concert or co-operation with other States for the promotion of public peace.

There is nothing at this time which can justly compel the United States to enact, maintain, or enforce principles of neutrality which are not accepted or acted upon by other States. The duty that neutrality imposes is reciprocal and not arbitrary. It is doubtless expedient and necessary that these principles, whatever they are, should be in the form of a statute, simple and comprehensive, in order that the people may be instructed in their duties and in the privileges secured to them. The repeal of existing statutes would impose the necessity of enacting other laws upon the subject. It is believed, however, that the condition of the country and its changed relations to other governments which naturally result from the great events of the last half century, will justify, if they do not demand, a critical and liberal revision, with a view to their better adaptation to the present condition of public affairs.

A brief review of the history of the several neutrality acts passed by Congress since the organization of the government will show how far existing legislation is justified by the principles of international law, the treaties we have negotiated with other governments, or the legislation of other nations, and to what extent the repeal or amendments of these acts may be justified or demanded. The independence of the American colonies was acknowledged by Great Britain in 1783. The participation of the colonies in the Indian and French wars, and the severe and long-continued struggle of the Revolution, made it necessary that the new government under the Constitution should husband its resources, and, if possible, avoid all complications with foreign nations. The foreign policy of the administration of Washington—as wise and necessary as it was successful—was based upon this idea. It is now conceded that the safety of the republic imperiously demanded this policy. But the people not immediately responsible for the success of the administration were impatient for more resolute and decided action than it proposed. The war between France and England was at that time waged with relentless rigor. The solicitude which had been constantly manifested during our struggle for our success by the government and people of France, created an intense interest among all classes of Americans for the victory of France against the common enemy of both nations. This feeling was everywhere enthusiastically expressed in addresses and resolutions of legislative and popular assemblies, in the discussions of the public journals, in the fiery appeals of partisan leaders, as well as in the social circles of the people themselves.

The enthusiasm of republicans for France, and their hostility to England, was not much less marked in America than in France. It brought public opinion to the verge of revolt against the peaceful policy of Washington. Accountable to the people for its resistance to popular clamor and the consequences of its timid submission to the demands of England, whose arrogant pretensions intensified the popular friendship for France, the administration was threatened with formidable resistance, if not the overthrow of its policy.

The intemperate conduct of an agent of France changed the current of popular opinion, and gave to Washington's administration a strength which it could not have received from its measures as they were then interpreted by the people. Mr. Genet, the agent of France, was emboldened by the enthusiasm with which he was received, south and north, to disregard the authority of the government. He authorized the raising of troops, and commissioned officers and vessels to cruise upon the seas against the commerce of England. Against these proceedings the British minister at Washington made earnest protest. Public opinion, in the presence of the palpable consequences of its untamed ardor, tempered its opposition, and enabled the administration not only to preserve its neutrality between France and England, but also to gratify England by the enactment of statutes for its protection more explicit and stringent than those imposed by the law of nations. The act of 1794 was the first law of the United States upon this subject. The neutrality which this statute contemplated was that enforced by the law of nations—an absolute impartiality between contending parties, and the assertion and defence of our own rights as a neutral nation. It did not, however, fully answer the purpose, nor silence the claims of Great Britain. The act of 1794 was not passed in pursuance of the provisions of the Constitution making it the duty of Congress to punish offences against the laws of nations. It was entitled, "An act to punish offences against the laws of the United States;" offences not found in previous legislation of this or other nations, but mainly created by the act itself. It prohibited citizens of the United States, under heavy penalties of fine, imprisonment, and confiscation of property, from accepting commissions in the service of nations at war with each other, with which we were at peace; the fitting out or increasing the force of any vessel of war with intent to enter such service; and gave to the President full power to compel the observance of its provisions. The character

of the act, and the extent to which it came in conflict with the opinions of the people, as well as the extraordinary influences under which it was enacted, are indicated by the fact that its operation was limited to the term of two years. For a time it answered the demands of other governments. But in 1797 the statute was amended by further restrictions upon commerce and the people. Neither the interests of France nor public sentiment prompted this change in the existing law. It could have been suggested only by the power that prompted the original enactment. The law of 1794 operated only upon citizens of the United States within the jurisdiction of the United States. The law of 1797 operated against citizens of the United States beyond its limits and jurisdiction. The law of 1794 prohibited, under heavy penalties, the fitting out vessels of war for certain specified purposes; that of 1797 made this provision applicable not only to vessels of war, but to "private ships," and increased the penalties for its violation. It increased the fine from three to ten thousand dollars, and the imprisonment threatened from three years to ten years. It also prohibited the exportation of arms, equipments, vessels, &c., until the end of the session of 1798. The law of 1794 was limited to two years. That of 1797, except as to the exportation of arms, &c., was made permanent. These provisions indicate clearly under what influence they were enacted, and what interests they were intended to subserve. But it is to be specially noted, with reference to the history of the time, and also with regard to subsequent legislation upon the subject of our neutral relations, that in the terrible conflict between England and France, in which each nation contended not only for supremacy in Europe, but also for its existence, the statutes of 1794 and 1797, the first for a period of three years, and the second for twenty years, during which the whole of Europe was involved in war, were sufficiently stringent in their prohibitions upon American commerce and the American people to satisfy and silence the claims of the nation most ambitious for supremacy upon the land and sea. We were then in condition to have done more and gone further in this direction if it had been deemed necessary or just. But no further claim for protection was made, and the neutrality statutes of 1794 and 1797 remained unchanged for more than twenty years.

Early in the present century the Spanish provinces in America revolted against the oppressive government of Spain, and asserted their independence. The success of this revolution gave to the world eight sovereign and independent nations. The independence of the Spanish republics was hailed by the people of this country as the most auspicious event of the age. No government in Europe except that of Spain had resisted the freedom of the Spanish provinces by force. But all the nations of Europe in alliance with Spain maintained her right to the government of the colonies. Great Britain had been invited by Spain, in conjunction with the European alliance, to mediate between her and the colonies, upon the basis of their continued submission to her authority, with certain ameliorations as to commerce and the appointment of officers. The United States, whose co-operation was solicited by Great Britain, declined to enter into any plan of pacification, except upon the basis of their independence. The recognition of their independence was deferred for several years in deference to the authority of the Holy Alliance. Spain declared that such recognition would be regarded by her as an act of hostility. Their independence was recognized in 1822, after a contest of twelve years. The sympathy of the American people for the Spanish patriots was sincere and universal, and their hostility to the government and institutions of Spain was equally strong. The proximity of the Spanish provinces to our own country, and their inability, on account of their want of vessels of war, to cope with Spain upon the sea, rendered it difficult to prevent our citizens from giving them aid in their struggle for liberty. It was still more difficult to allay the suspicions of the European governments of our complication with the revolutionists. The statutes of 1794 and 1797, which had been sufficiently strong to satisfy the demands of England during her struggle with France, did not satisfy those who supported the authority of Spain over the colonies. To quiet these apprehensions, and more completely to fulfil all possible obligations of a neutral State, the statute of 1817 was enacted. The purpose of this act was stated in its title. It was an act to "preserve neutral relations." This statute embraced two principles not contained in the acts of 1794 or 1797. It required the government to take bonds from owners of armed vessels that no person within or without the jurisdiction of the United States should use them in contravention of its neutrality laws, and it authorized and directed collectors of customs, upon mere suspicion of such intent, to seize and detain them until an order of release should be obtained from the President. It was not denied that an armed vessel might be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain, but it was thought necessary to make the American citizen responsible for the action of the foreign subject wherever he might be, and thus indirectly to prohibit the sale of American vessels. It was an act not to punish, but to prevent crime on the part of American citizens, by depriving them of the power of its commission. It was the assertion of the right of a belligerent not only to punish the violation of laws, but to demand the surrender of power to disregard them. It was not legislation to punish crime against the law of nations, but to prevent offences against Spain; and that at a moment when she was drawing her supplies from the United States to carry on the war against her colonies through the port of Havana, which was open to us only for that purpose. The manifestation of public feeling against the act of 1817 was so strong and general as to suggest a revision of the several neutrality acts, and the consolidation of such provisions as were deemed necessary to maintain the peace of this country with

other nations in a single statute. This was done in 1818. The act of that year constitutes the law of neutrality now in operation in this country; and it is the repeal of this act to which the attention of the committee has been called by order of the House. This act was the result of a strong public feeling against the law of 1817, and the earnest and united representations of foreign governments against the interference of American citizens in the struggle of the South American states for independence against Spain. Owing to the persistent power of foreign representatives the new act, notwithstanding their manifest unpopularity, embodied all the objectionable provisions of preceding legislation. Its merit was that it embraced in one statute all legislation upon this subject, giving to its provisions the vigor of a new act, to which the attention of the executive officers of the country would be called. Its ablest opponent was Henry Clay, then Speaker of the House. He characterized it as an act for the benefit of Spain against the republics of America. It was enacted upon the pressing claims of Spain and Portugal, backed by the representative of Great Britain. No other country had adopted such provisions of law for the maintenance of its neutral obligations. It forbade citizens of the United States to accept commissions in the service of any government at war with other nations and at peace with us; it prohibited enlistments in the United States; the fitting out or increasing the force of vessels of war within or beyond the jurisdiction of the United States with intent to enter such service, under a penalty of the confiscation of property and punishment by fine not exceeding $10,000 and imprisonment not to exceed ten years. Owners or part owners of vessels were required to give bonds in double the value of vessel, cargo, and armament, that they should not be used in contravention of law; and collectors of customs were authorized and directed to seize and detain, until the will of the President could be ascertained, vessels upon mere suspicion they were to be so used. Previous statutes had been temporary in whole or in part. This act was made permanent. It is impossible to suppose that provisions so repressive upon American commerce, so hostile to the cause of liberty in the colonies, and so strongly in favor of a government whose principles were so repugnant to the people as those of Spain, were voluntarily adopted. They had their origin in the interests of European governments hostile to the cause of the colonies. But it was not this consideration alone that led to their permanent enactment. The established policy of the government was that of peace with all nations. To maintain this policy it waived, both at home and abroad, interests to which, under other circumstances, it would have resolutely adhered. The declarations of Washington upon this subject are too familiar to require repetition. They were accepted by all his successors, and perhaps in no instance more forcibly and justly expressed than by Mr. Adams in 1826, in setting forth the objects of the Panama mission: "The great rule of conduct given us by the father of his country in his farewell address, in regard to foreign nations," he said, "is, in extending our commercial relations, to have with them as little connexion as possible." "The counsels of Washington," said Mr. Adams, "in that instance, as in all the counsels of wisdom, were founded upon the circumstances in which our country and the world around us were situated at the time when it was given; that the reasons assigned by him for his advice were that Europe had a set of primary interests which to us had no or a very remote relation; that hence she must be engaged in frequent controversies, the causes of which were essentially foreign to our concerns; that our detached and distant situation invited and enabled us to pursue a different course; that by our union and rapid growth with an efficient government the period was not far distant when we might defy material injury from external annoyance; when we might take such an attitude as would cause our own neutrality to be respected, and with reference to belligerent nations might choose peace or war as our interests, guided by justice, should counsel." The same principle was stated by John Quincy Adams, as Secretary of State, when replying to the application for active aid to the cause of Greek emancipation and liberty in 1823.

"The policy of the United States with reference to foreign nations has always been founded upon moral principles and natural law—*peace* with all mankind. From whatever cause war between other nations, whether foreign or domestic, has arisen, the unvarying law of the United States has been peace with both belligerents. From the first war of the French revolution to the recent invasion of Spain there has been a succession of wars, national and civil, in almost every one of which *one* of the parties was contending for liberty or independence. To the first revolutionary war a strong impulse of feeling urged the people of the United States to take sides with the party which at its commencement was contending, apparently at least, for both. Had the policy of the United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle then deliberately settled has been invariably adhered to ever since." It was upon this principle that the government acceded to the united demands of European nations in its legislation upon the subject of neutrality in 1818. It was not, as asserted, because every affection of our government was wrapped up in Great Britain, nor that we were legislating in favor of Spain, as Mr. Clay declared. This legislation was in harmony with the established policy of the government, the purpose of which was to disconnect ourselves from other nations in all matters of war.

Another consideration gave force to this view of public duty. It had been the established policy of the government, in submission to the views of the dominant political party of that day, to dispense with armies, navies, and fortifications, leaving our commerce and even our

territory to the protection of a just, moderate, and pacific public policy. President Monroe was the first to depart from this theory. He urged as strenuously as the federalists had done the fortification of our coast and frontier, the organization of an army competent to garrison and defend the frontier, and to meet the first invasion of a foreign foe. He advocated a navy, sufficient to maintain with dignity the neutrality of the United States, and secure our property on the seas from spoliation, and become a powerful engine of annoyance to public enemies. It was at this period that official declaration of the doctrine was made which now bears the name of President Monroe, and has become the recognized policy of the American government. It appears, therefore, that the early policy of the government was the result of the situation of the country, and that the deficiency in armies, navies, fortifications, and the implements of war, had as much to do with the formation of its policy as the opinions of its legislators, executive officers, or the people. It is also apparent that in urging the creation of armies, navies, fortifications, the implements, and the study of the science of war, especial consideration was given to the purpose of establishing a principle of neutrality, consistent with the dignity of the country, and protecting the continent against the encroachments of European powers and monarchical or imperial institutions of government.

It was, nevertheless, a wise and just policy, adapted to the condition of things at that time, and deliberately chosen, but with a view "to the time not far distant when by union and rapid growth we might choose peace or war with belligerent nations, as our interests guided by justice should counsel."

It was a policy of isolation and estrangement from foreign nations, rather than of mere neutrality, which, when interpreted by the law of nations, means nothing more nor less than strict impartiality between those at war with each other.

It was this principle which enabled the administration of Washington and the people to harmonize upon a measure operating in favor of nations hostile to us, against patriots who were not only friends but sedulously following our example. The government accepted it, not because it was just, but necessary, and the people, because they shrank from presenting to the world the spectacle of a government at peace, and a people at war with other nations. It is of such dust that men capable of freedom are made. We do not hesitate to declare that there is now no desire to change this policy of peace with all nations, but it must be admitted that the time is approaching, if it has not come, when the statutes affecting our neutral relations may be put upon a footing of equality with those of other governments. It is scarcely necessary or just that the people of the United States should, by their own act, be put under obligations, and subjected to prohibitions such as rest upon no other nation, or that their personal rights and commercial privileges should by themselves be declared inferior to those enjoyed by people of other parts of the world.

The English statute of 1819 does not permanently prevent or punish crime. It depends upon the will of the Crown. The sovereign may suspend its operations at pleasure. It is, indeed, effective by its own terms only when the acts it prohibits are not licensed. Its restrictions upon British subjects are nominal compared with those of the American statute. This is the more noticeable because its enactment was in some measure a result of the adoption of the American statute of 1818. Lord John Russell says, in his correspondence with Mr. Adams upon the subject of the depredations of the British pirate Shenandoah upon our commerce, that "the American statute of 1818 was, in fact, so far as it was considered applicable to the circumstances and institutions of the country, (England,) the model of our foreign enlistment act of 1819." (Correspondence respecting the Shenandoah, page 301.) How far its imperfect provisions were enforced during the rebellion, and what advantage we derived from the halting imitators of our example by England, the American commerce swept from the seas or compelled to take shelter under the British flag can answer.

The law of France provides that if any citizen shall, by acts of hostility against foreign governments not approved by the government, expose the state to reprisals or a declaration of war, he shall be punished by banishment; and if war follows such an act, then by deportation, with loss of all rights of citizenship. If any citizen of France, without authority of the Emperor, enters the armed service of foreign governments, or joins any foreign military organization, he forfeits his citizenship, which he cannot regain except upon the conditions prescribed for the naturalization of foreigners. Deportation is a form of punishment preserved from the earliest ages of antiquity. It consists in perpetual banishment at some place designated by the government beyond the limits of the empire; or if no place has been designated, then in prison. It is equivalent to civil death.

The American statute is not demanded by international or natural law. According to these systems neutrality is impartiality. A state in virtue of its sovereignty has an inherent and indefeasible right to remain neutral as between other states at war. This neutrality implies, on one part, impartiality; on the other, inviolability. The state cannot inflict, and is not bound to suffer injury. It is a temporary condition, incident to the situation, and not necessarily permanent. An attempt to impose upon a people permanent neutrality, especially if that word is interpreted to mean, as in our legislation it does, an estrangement, abscission, and isolation of the state from other nations, is opposed to the true principles of public morality and law. To make such a system permanent is impracticable. It can be justified only by a regard to the temporary condition of states by which it is enacted. The highest interests of civilization demand that the liberties and rights of neutrals should be

extended, and the privileges and powers of states at war diminished. Upon the recognition of this principle depend the progress of nations, the independence of states, the liberties of the people. To restrict the rights of neutrals, and enlarge the power of belligerents, is to reject the teachings of Christianity and the improvements of civilization, and to return to the doctrines of uncivilized nations and the practices of barbaric peoples.

In reviewing the statute of 1818 we cannot escape the conclusion that it is founded upon an opposite and unsound philosophy; that it disregards the inalienable rights of the people of all nations; that it was imposed upon the country by considerations affecting exclusively the political interests of other nations; that it criminally restrains the rights of nations at peace for the benefit of those at war; that it was intended to perpetuate the supremacy of favored nations on the sea. It properly belongs to another age, and is not of us nor for us.

It was in deference to the conditions then imposed that American legislators thought it expedient to divest this country of rights enjoyed by others, indispensable to the development of the strength of republican institutions and the American States, and to inflict upon their people the irreparable injury of depriving them of privileges necessary to their private prosperity and the preservation of the liberties of their race. It is incredible that it should have been thought necessary permanently to suppress, as crimes on the part of our citizens, transactions which are not punished as crimes elsewhere, for the benefit of nations inimical if not hostile to us, and against states struggling for independence and liberty in emulation of our own example.

No; these concessions to the peace of the world were made for the time when they were enacted. It was an opportune and patriotic policy. The preservation of the republic was the first duty of our fathers, as it is now ours. It is destined, if sustained, to be the grand disturber of the right divine of kings, the model of struggling nations, the last hope of the independence of states and of rational liberty.

To the example and precept of our fathers we still adhere. But if the time has come for which they waited and worked, or whenever it shall come, in which the rights of the country can be asserted, its interests protected without departure from the established policy of our government, which we indorse without hesitation, and to which we adhere without reservation, it is our opinion that the opportunity should not be lost. And we therefore recommend, as incident to this duty and this day, a thorough revision of the statutes affecting our neutral relations with other governments, and the enactment of such laws as will limit its prohibitions and restrictions to those imposed by the laws of nations, the stipulations of treaties, the reciprocal legislation of other governments, the freedom of commerce, the independence of states, the interests of civilization, and that will curb the power of nations at war, and strengthen and extend the rights of those at peace.

The committee has had under consideration the bill referred by order of the House on the 20th June, providing that the statute of 1818 shall not be so construed as to prohibit citizens of the United States from selling vessels, ships, or steamers built within the limits, or of materials and munitions of war the growth or products thereof, to inhabitants of this country or to governments not at war with the United States.

The statute of 1818 enacts that "any person who shall fit out or arm, or attempt to fit out or arm, or be concerned in fitting out or arming, any ship or vessel, with intent that such ship or vessel shall be engaged in the service of any foreign prince or state, or any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any prince, or state, or of any colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and fined not more than $10,000, and imprisoned not more than three years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores procured for the building and equipment thereof, shall be forfeited."

It requires that owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall enter into bonds, with sufficient sureties, in double the amount of the value of ship, cargo, and armament, that she shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

It requires collectors of the customs to detain any vessel manifestly built for war purposes and about to depart the United States, of which the cargo, crew, "or other circumstances" shall render it probable that such vessel is intended to be employed by the owner to cruise or commit hostilities upon the citizens or property of any foreign state, or of any district, colony, or people with whom the United States shall be at peace, until the decision of the President be had thereon, or until the owner shall have given bonds and security required by the tenth section of the act. It also makes citizens within the United States responsible for the acts of foreign subjects who are beyond the jurisdiction of the United States. These stringent provisions are not now necessary for the reason given for the passage of the law, to prevent the exportation of arms by force, in such a manner as to complicate the government with nations at war with each other but at peace with the United States; neither is it demanded by any just interpretation of our duty to other nations under the law of nations, treaty stipulations, or reciprocal municipal regulations. The repeal or modification of these

provisions will be, in the judgment of your committee, for the interest of public peace. Their effect now is to perpetuate the subjugation of States without naval force to the will of dominant maritime nations. It may reasonably be assumed that the late bombardment of the South American cities on the Atlantic coast by Spain, which has been universally condemned, would not have occurred but for the stringent execution of the provisions of this law by our government. Had the South American governments been supplied with materials for defence, from the abundant resources of the United States, this invasion of the American waters by the Spanish navy would not have been contemplated. Ships are articles of commerce; they are in no liberal or just sense contraband of war, nor are the materials of which they are made. The recent improvements in naval architecture are such as to diminish the distinctions between merchant vessels and ships of war, and to facilitate the adaptation of one to the purposes of the other. A strong-built, swift-sailing merchant vessel or steamer could be made with a single gun an effective war vessel. To prohibit our citizens from building such vessels or selling materials for their construction at a time when all nations except our own are at war, because they may be employed for hostile purposes by foreign subjects, or to demand bonds in double the amount of vessel, cargo, and armament, and to require officers of the customs to seize and detain them whenever cargo, crew, or "other circumstances" shall render probable a suspicion that they are to be so used, and where American citizens are part owners only, is substantially to deprive them of their rights to engage in the construction of vessels or to furnish materials therefor. Considering the limitless capacity of the country in this respect, it is a privilege that ought not to be surrendered except upon grounds of absolute necessity and justice.

The laws of war upon land have been materially and happily modified in the progress of civilization. Nations are no longer compelled to become parties to war. The rights of neutrals have been steadily enlarged; and the rights of non-combatants, both of person and of property, respected. War is now waged against governments, and not, as formerly, against persons. The most enlightened maritime nations have endeavored to modify and reform the laws of war upon the sea as upon the land. Great Britain is the only power that resists the recognition of the rights of neutrals upon the sea as upon the land. In this, however, the principles she asserts are not enforced in her practice. To this extent she conforms to the spirit of the age. Russia, in 1780, asserted the doctrine of armed neutrality, and threatened war against any power that violated the principles asserted by her in behalf of neutral nations. These declarations were chiefly: that the flag covers the cargo, (contraband excepted;) that neutrals are not subject to the right of search; that articles contraband of war must be limited to objects used exclusively for purposes of war. They asserted the right of armed convoy for merchant vessels, and that blockade to be recognized must be effective. At a later period the northern maritime nations joined Russia in proclaiming the rights of neutrality as set forth in the declaration of the armed neutrality, which had been earlier asserted by France. The United States made war upon Great Britain in support of the same principles in 1812, and, as Napoleon the First said in the most memorable of his addresses to the French Chambers, vindicated and preserved the freedom of the seas when it had been abandoned by the rest of the world.

Notwithstanding the sacrifices made by the most enlightened maritime nations to mitigate the laws of war upon the sea, the necessary reform is not yet fully established. Great Britain, in theory at least, maintains the ancient and unjust pretensions of belligerents upon the sea, denying that the flag protects the merchandise, condemning as contraband of war materials used in the construction of vessels, coal, wood, hemp, and tar, as well as arms, guns, powder, &c., declaring that they ceased to be merchandise, and were contraband of war; denying the convoy of merchant vessels, and asserting the right of search and the theory of paper blockades. It is by the assertion of principles which she does not undertake to enforce that she seeks to maintain her supremacy on the seas. To these pretensions all the maritime nations are opposed. It is only by monopolizing the naval and commercial forces of the world that she can maintain these unjust pretensions. Whatever increases the maritime force of other nations opens the seas of the world to commerce, which is the handmaid of peace. It is due to the independence of nations, as well as to the freedom of the seas, that the United States should assist in this great work, and the repeal of these provisions cannot but contribute in an important degree to this object of universal interest.

It may be said that the modification of our statutes of neutrality will absolve Great Britain from claims made upon her for the destruction of our merchant vessels during the late civil war. There is no ground for this apprehension. The modification proposed affects the future and not the past relations of the United States with other nations. No change in our statute laws can release Great Britain from responsibility to this government, incurred under previously existing relations.

Our claim is for American ships destroyed by British vessels in violation of her own statute of neutrality—the foreign enlistment act of 1819, enacted, we are told, upon the model of our statute of 1818. Our complaint is based upon the fact that before one drop of blood was shed in any encounter upon land, or in any engagement except the affair at Fort Sumter; when not an effective insurgent vessel floated upon the ocean, she recognized the rebels as belligerents on the sea, and allowed pirate ships to escape from her ports to prey upon and destroy our commerce, and appropriated to herself the advantages of this unjust pro-

ceeding. We complain that while our government enforced the statutes of 1794 and 1797 upon the demands of Great Britain, our enemy, against the French, our friends; and in 1817 and 1818 enacted new laws, at the solicitation of Spain backed by Great Britain, against the South American republics, she disregarded her own statute law of 1819, which was not enforced in our favor, but in despite of its provisions British ships with British armaments and British crews were allowed to depart from and to refit at British ports in every part of the world until the American merchant flag disappeared from the seas. It cannot be expected that we shall long maintain a policy that, while it destroys cherished American interests operates only in favor of enemies and against friends. Great Britain cannot absolve herself from her obligations upon the pretext that we choose to discontinue such unequal and unprofitable relations with her government.

The reform of our neutrality laws is recommended in the spirit of peace, and with no desire to disturb existing friendly relations with other nations. We prefer to strengthen rather than destroy. The marvellous changes wrought in the condition of the country have worked no change in the spirit of our people. They look now, as heretofore, to universal industry for prosperity and power. There are no advantages, territorial or otherwise, incident to the possession of mere political power, that will compensate them for the loss of that industrial spirit which is the stimulant of national activity and the compensation of individual toil—the highest reward of the noblest ambition. There is no outward advantage that will not fall to us in due time. Individuals may be impatient, but the nation never. Violence imperils, anarchy and despotism destroy, the foundations of present and prospective advantage. We most desire to avoid the perils that have been fatal to republics, ancient and modern—the policy that substitutes might for right, and invests with power those who are indifferent, if not hostile, to the interests of masses of men. But while we prefer peace to war, and find our advantage in maintaining peace as against war, it is no longer from necessity. If we are compelled to choose between the sacrifice of our rights and an appeal to the arbitrament of war, there can be no doubt about the decision. We can no longer stand bail for the peace of the world. We have stood guard for other nations long enough. When the maintenance of national honor is identified with the defence of principles essential to the independence of States and the progress of civilization, we cannot falter on a course marked out for us by duty and destiny.

From the foundation of our government we have given evidence of our desire for peace. The statutes of 1794 and 1797 enabled Washington to disregard public opinion and maintain neutrality between France and England. The act of 1818 did the same for Spain in the contest with her colonies in America. We stepped forward to the aid of France, with men and money, when insurrection first threatened St. Domingo, taking upon ourselves the risk of unauthorized aid when delay would have been denial of assistance. We did not recognize the insurrection as civil war; and when France solicited the prohibition of commerce with St. Domingo, her request was granted. The government suppressed hostile armaments in Kentucky against Louisiana before its cession. When the South American states had achieved their independence and sought the conquest of Cuba, the United States, by adhering to its long-established policy and faithfully enforcing its laws, maintained the authority of Spain, although it would otherwise have held that fertile and much coveted island in its grasp. Who fails to perceive now that the possession of Cuba by Spain depends upon the fidelity with which we adhere to the policy of our fathers, and which maintained her authority in Cuba against Mexico and Colombia in 1824?

The government declined to aid Greece in her struggle for independence and liberty, although it was urged by the united voice of the people, adhering, as Mr. Adams said, "to its constitutional duty, clear and unequivocal." In 1838, executive proclamations and more stringent statutes even were published to protect Great Britain against the rebellion of that year in the possession of the Canadas. We enforced the neutrality act of 1818 against the efforts of the German states to organize a navy in the war against Denmark in 1852, and detained in our ports steamers purchased for that purpose of our people.

The recent memorable invasion of Canada offers a signal exhibition of the spirit and character of our government. Great Britain has given us no cause to respect her sense of justice or her regard for right. Our people, who derive from her their ideas of language, liberty, and law, institutions and religion, might justly expect consideration, if not favor. But, with indecent disregard of our situation, she has not lost an opportunity to embarrass us. She planted slavery in America for her own selfish interests. The profits of the African slave trade with this country were the foundation of many of her colossal private fortunes. Having fastened it upon us, she precipitated the question of its abolition upon us when abolition threatened our destruction. She ridiculed, resisted, and denounced emancipation, when emancipation was necessary to our existence as a nation. She gave her sympathy to rebels, of whose confederacy slavery was to be the headstone of the corner. She countenanced a rebellion of which the only effect was to sacrifice precious blood, in great part of her own kith and kin. She lent them the skill of her mechanics, of which the rebels had nothing, and without which war was impossible, thus making her working men supporters of a cause the triumph of which was the degradation of labor. She gave to the rebels her sympathy as long as it was serviceable, and sold to them her power as long as they could pay for it.

And when, in adherence to our own policy, by reluctant, questionable, and even violent execution of our laws, we preserve to her possessions the loss of which would be the precursor of other calamities and reduce her to the rank of a subordinate power, against a race to which our country is deeply indebted and which has suffered for six centuries inexcusable and ineffable wrong, she mildly approves our conduct as better than she had a right to expect.

The institutions and traditions of the American people compel sympathy for the humblest of the human family when struggling for liberty. Their literature is rank with the spirit of oppressed races grappling with tyranny and nations fighting for independence. Their faith in these ideas has been strengthened by the results of their own struggle. It is impossible for them not to wish well to the cause of patriots everywhere. They gave their good wishes to Switzerland, France, Spanish America, Poland, Greece, Hungary, and every country that sought relief from tyranny. They cannot withhold from Ireland an expression of their hopes for the restoration of its independence. They believe, with Pitt, that Ireland is entitled to the same privileges as England, and Irishmen to the same rights as Englishmen. They believe, with Wilberforce, that England owes reparation to Ireland.

Mr. Grote, the classic historian of Greece, remembering that mythologists recognized three Jupiters, sees, in reviewing English history, *two* Englands; one noble, wise, and strong, one sordid, brutal, insensible to right, and indifferent what is done in its name. "For six centuries," he says, "the bad England has kept vigil for Ireland, while for the rest of the world it has generally slept." We cannot affirm that it has slept for America, but we agree with him that the general fact is attested by European and, we may add, American opinion, which reveres English history at large but regards the Irish part of it with resentment, wonder, and scorn. We believe with him that "England cannot study the history of Ireland without losing her self-respect, nor the character of its people without advantage."

The sympathy we extend to all nations struggling for independence is strengthened in this case by a sense of obligation due to these people for their assistance in the development of our country. But independent of any consideration of this character, if to our sense of their wrong we add the recollection of our own, the popular interest in their favor is sufficiently explained. The intervention of our government under such circumstances is proof of our fidelity to our obligations to other nations, and ought to satisfy the world that we have no desire to disturb its peace. It is rather to maintain our relations with other nations that we ask the favorable consideration of the measures herewith reported.

Report of the minority.

The undersigned, while concurring in the necessity and propriety of a revision of the neutrality laws of the United States, are unwilling to recommend the important changes proposed by the committee without more careful and mature deliberation than it is possible, at this late stage of the session, to bestow upon the subject. They therefore recommend the adoption of the following joint resolution in place of the bill reported by the committee:

Resolved by the House of Representatives, (the Senate concurring,) That a joint committee of three members of the Senate and six members of the House of Representatives be appointed to revise the several statutes affecting the neutral relations of the people of the United States with those of other nations, and to consider and report what legislation is necessary to secure to the people of the United States the rights enjoyed by other nations, to secure the largest liberty of intercourse and trade consistent with permanent peace, and to harmonize the statutes of the United States upon this subject with those of other nations, and with the progressive spirit of the age.

HENRY J. RAYMOND.
J. W. PATTERSON.

AN ACT more effectually to preserve the neutral relations of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any citizen of the United States shall, within the territory or jurisdiction thereof, accept and exercise a commission to serve a foreign prince, state, colony, district, or people in war, by land or by sea, against any prince, state, colony, district, or people with whom the United States are at peace, the person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by fine not exceeding two thousand dollars, and imprisonment not exceeding two years, or either, at the discretion of the court in which such offender shall be convicted.

SEC. 2. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered into the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque, or privateer, every person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year, or either of them, at the discretion of the court in which such offender shall be convicted: *Provided*, That this act shall not be construed to extend

to any subject or citizen of any foreign prince, state, colony, district, or people, who shall transiently be within the United States, and shall on board of any vessel of war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince, state, colony, district, or people, who is transiently in the United States, to enlist or enter himself, to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign foreign prince, state, colony, district, or people.

SEC. 3. *And be it further enacted*, That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out and arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of any foreign prince, state, colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince, or state, or any colony, district or people with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, or shall have on board any person or persons who shall have been enlisted, or shall have engaged to enlist or serve, or shall be departing from the jurisdiction of the United States with intent to enlist or serve in contravention of the provisions of this act, every person so offending shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by fine not exceeding three thousand dollars, and imprisonment not more than three years, or either of them, at the discretion of the court in which such offender shall be convicted; and every such ship and vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited to the United States of America.

SEC. 4. *And be it further enacted*, That it shall be lawful for any collector of the customs who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs, to seize such ships and vessels in such places and in such manner in which the officers of the customs are empowered to make seizures under the laws for the collection and protection of the revenue, and that every such ship and vessel, with the tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may belong to or be on board such ship or vessel, may be prosecuted or condemned for the violation of the provisions of this act, in like manner as ships or vessels may be prosecuted and condemned for any breach of the laws made for the collection and protection of the revenue.

SEC. 5. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting the force of any ship of war, or cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel in the service of any foreign prince, or state, or colony, district, or people, or belonging to the subjects or citizens of any of such prince or state, or of any colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, by adding to the number of guns of such vessels, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, or shall have on board any person or persons who shall have been enlisted or engaged to enlist or serve, or who shall be departing from the jurisdiction of the United States with intent to enlist or serve in contravention of the provisions of this act, every person so offending shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by fine not exceeding one thousand dollars, and imprisonment not more than one year, or either of them, at the discretion of the court in which such offender shall be convicted.

SEC. 6. *And be it further enacted*, That the district courts shall take cognizance of all complaints, informations, indictments, or other prosecutions, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

SEC. 7. *And be it further enacted*, That in every case in which a vessel shall be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel shall be increased or augmented, and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as before defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince, state, or of any colony, district, or people, in such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibition and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged.

SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United

States, or such person as he shall empower for that purpose, to employ such part of the land and naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

SEC. 9. *And be it further enacted*, That offences made punishable by the provisions of this act, committed by citizens of the United States beyond the jurisdiction of the United States, may be prosecuted and tried before any court having jurisdiction of the offences prohibited by this act.

SEC. 10. *And be it further enacted*, That nothing in this act, or in any other existing law, shall be so construed as to prohibit citizens of the United States from selling vessels, ships, or steamers built within the limits thereof, or materials or munitions of war the growth or product of the same, to inhabitants of other countries or to governments not at war with the United States: *Provided*, That the operation of this section of this act shall be suspended by the President of the United States with regard to any classes of purchases whenever or wherever the maintenance of friendly relations with any foreign nation may, in his judgment, require it.

SEC. 11. *And be it further enacted*, That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy or other felony defined by the laws of the United States.

SEC. 12. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, or inflicting any further or other penalty or forfeiture than are hereinbefore provided for the acts forbidden herein, are hereby repealed.

Passed the House of Representatives July 26, 1866.

Attest: EDWARD McPHERSON, *Clerk*,
By CLINTON LLOYD, *Chief Clerk*.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1819.] DEPARTMENT OF STATE,
Washington, July 30, 1866.

SIR: I have your despatch of the 12th instant, No. 1235. It gives us pleasure to learn that you find Lord Stanley exhibiting a friendly spirit with regard to the relations between the United States and Great Britain.

Sir Frederick Bruce, the British representative here, is, I think, deeply impressed with the necessity of arriving, by some means, at a better understanding than has hitherto existed concerning the claims of our citizens for indemnities for injuries sustained during the war.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 1820.] DEPARTMENT OF STATE,
Washington, July 30, 1866.

SIR: I transmit herewith, for your information, a copy of the President's message to the House of Representatives, together with copies of the documents which accompanied it, in answer to two resolutions of the House of the 23d instant, in regard to the disposition of the Fenian prisoners.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

To the House of Representatives:

In answer to two resolutions of the House of Representatives of the 23d instant, in the following words:

"*Resolved*, That the House of Representatives respectfully request the President of the United States to urge upon the Canadian authorities, and also the British government, the release of the Fenian prisoners recently captured in Canada.

"*Resolved*, That this House respectfully request the President to cause the prosecutions instituted in the United States courts against the Fenians to be discontinued, if compatible with the public interests"—

I transmit a report of the Secretary of State upon the subject, together with the document which accompanied it.

ANDREW JOHNSON.

WASHINGTON, *July* 26, 1866.

DEPARTMENT OF STATE,
Washington, July 26, 1866.

The Secretary of State, to whom were referred two resolutions of the House of Representatives passed on the 23d of July instant, in the following words, respectively:

"*Resolved*, That the House of Representatives respectfully request the President of the United States to urge upon the Canadian authorities, and also the British government, the release of the Fenian prisoners recently captured in Canada.

"*Resolved*, That this House respectfully request the President to cause the prosecutions instituted in the United States courts against the Fenians to be discontinued, if compatible with the public interests"—

has the honor to report, in regard to the first resolution, that the government of the United States holds no correspondence directly upon any subject with the Canadian authorities, mentioned in the said resolution, or with the authorities of any colony, province, or dependency of any other sovereign state; and that, on the contrary, all its correspondence concerning questions which arise in, or affect or relate to, such colonies, provinces, or dependencies, is always conducted exclusively with such sovereign government.

On the 11th of June last a note was addressed by this department to the honorable Sir Frederick W. A. Bruce, her Majesty's minister plenipotentiary residing in the United States, of which a copy is hereunto annexed.*

It is proper to say, in relation to that note, first, that the reports mentioned therein to the effect that prisoners had been taken on the soil of the United States and conveyed to Canada, and threatened by Canadian agents with immediate execution without legal trial, were found on examination to be untrue, and without foundation in fact.

It is due to the British government to say, in the second place, that the representations made in the said note have been received and taken into consideration by the British government and by the Canadian authorities in a friendly manner.

The resolution of the House of Representatives first recited, harmonizing as it does with the spirit of the aforesaid note, will be brought to the attention of her Majesty's government, and of the Canadian authorities, with the expression of a belief, on the part of the President, that affairs upon the frontier have happily come into a condition in which the clemency requested by Congress may be extended without danger to the public peace, and with advantage to the interests of peace and harmony between the two nations.

I have already received your directions that the second of the said resolutions be taken into consideration by the proper departments of the government, with a desire that it may be found practicable to reconcile the humane policy recommended with the maintenance of law and order, the safety of the public peace, and the good faith and honor of the United States.

The PRESIDENT.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1823.] DEPARTMENT OF STATE,
Washington, August 2, 1866.

SIR: Your interesting despatch of the 19th of July, No. 1242, has been received. We are yet without information of the details or even of the bases of the pacification which is so unexpectedly announced as having already taken place in Europe.

* For enclosure see correspondence with British legation.

The most interesting reflection which it awakens here is that the political combinations of European states, which grew out of the Crimean war, are not unlikely to give way with the result of new rivalries, between Italy, France, Prussia, and Russia. * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1248.] LEGATION OF THE UNITED STATES,
London, August 2, 1866.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1801 to 1804, inclusive, together with a printed copy of a bill to provide for the admission of the British provinces into the Union.

The Parliament is on the eve of prorogation. The ministers have fixed Saturday for the customary dinner at Greenwich, and it is probable that by this day next week the annual dispersion from London of all official persons will have taken place. It seems to be now definitively settled that some sort of pacification will be made on the continent, which will be a great relief to all parties, and not among the least to the new ministry here, which may now perhaps hold over until next year.

The cholera has at last broken out with great severity in the easterly portion of this metropolis. As yet it does not appear to have reached this section. But its progress up the line of the river is doubtless only a question of time. Its simultaneous appearance at Liverpool, the great port of the American trade, will also render its spread over the western continent likely. I do not know how far experience proves that precautionary measures will avail to stop the progress of this extraordinary malady, but in any event they will not be useless to improve the health of the people in the long run.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1249.] LEGATION OF THE UNITED STATES,
London, August 2, 1866.

SIR: In connection with your despatch No. 1788, of the 16th of June, relating to the imprisonment of T. E. Blackwell in Ireland, I now have the honor to report his discharge, upon the application of Mr. Eastman, consul at Queenstown, on condition that he will leave the country at once for the United States.

The policy of liberating the persons arrested under the act suspending the *habeas corpus*, is now steadily prosecuted. Mr. West reports to me, almost daily, cases of persons naturalized in the United States, who are released on his application, subject to the condition above stated. Several of them appear greatly discontented at their failure to create a misunderstanding between the two countries in regard to what they call their wrongful detention; but I have

not yet heard of one person who had persevered in refusing his freedom. There is little doubt, in my own mind, that nearly all were more or less privy to the Fenian organization, and came out to further its designs.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1824.] DEPARTMENT OF STATE,
Washington, August 6, 1866.

SIR: Your despatch of the 22d of June, No. 1220, suggests the propriety of adopting measures to secure for our merchant marine the protection of the British foreign deserters act of 1852.

This subject having been taken into deliberate consideration, it is deemed more convenient to proceed by way of negotiation for a consular convention than to ask the legislation which would be necessary to enable us to avail our selves of the provisions of that statute. By reference to the act of June 11, 1864, (Statutes at Large, vol. 13, page 121,) you will observe that Congress has already enacted the provisions necessary to carry into effect any consular convention coming within its terms.

The advantages to be secured by such a convention are larger than those to be attained by our acceding to a reciprocity of obligation under the foreign deserters act of 1852. For example, the act of 1852 is limited in its operation to seamen who have actually deserted, without providing for the confinement on shipboard, or on shore, of those threatening to desert, or guilty of other infractions of the internal order and discipline of the ship.

Any arrangement less comprehensive than that contemplated by the act of 1864 would involve the necessity of further legislation.

You are therefore instructed to ask her Britannic Majesty's government to authorize Sir F. W. A. Bruce to open negotiations for a consular convention upon the general basis of the articles presented by Mr. Buchanan to Lord Clarendon, on the 1st of March, 1855, with such modifications as may be required to conform them to the act of June 11, 1864.

For your convenience, I enclose herewith a copy of these articles, transmitted by Mr. Buchanan to this department with his despatch of the 9th of March, 1855, No. 62.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Buchanan to Mr. Marcy.

[Extract.]

No. 62.] LEGATION OF THE UNITED STATES,
London, March 9, 1855.

SIR:

* * * * * * * *

I also transmit the copy of a note addressed by me to Lord Clarendon, on the 1st instant, proposing a consular convention between the two governments, together with a copy of the three articles referred to therein.

It would be tedious and useless to trouble you with a statement in detail of what passed at the different conferences between his lordship and myself in relation to this convention.

Suffice it to say that an obstruction has been cast in the way of this measure, so necessary for the benefit of our commerce, by the solicitor general, Sir Richard Bethell. His objections, which have been read to me, prove conclusively that he does not understand the subject. They did not appear to be satisfactory to Lord Clarendon, but yet he observed that, as it would be the official duty of the solicitor general to carry the bill necessary to give effect to such a convention through the House of Commons, it would be vain to conclude it against his opposition, or without the assurance of his support. I told him that, although it was not for me to judge, I should yet feel no apprehension whatever of the result in the House, notwithstanding the objections of the solicitor general. As I should not have undertaken this business unless I had been previously satisfied that Lord Clarendon entirely coincided with myself, I deemed it proper, especially as he has never individually manifested any change of opinion, to bring the subject in a formal manner to his notice.

One incident I ought not to forget. In a conference some time since, he said there was no necessity for a convention, so far as deserters from our merchant ships were concerned. That all the United States had to do, in order to secure their apprehension and return, *was to accede to the terms of the foreign deserters act* of 1852; and then her Majesty would issue an order in council, which in this respect would accomplish all we desired. I asked to see a copy of this act, and found upon its perusal that it applied to "seamen, *not being slaves*, who desert from merchant ships," &c., of foreign powers. I then informed his lordship, in emphatic terms, that the Congress of the United States never would pass, and in my opinion never ought to pass, an act to give effect to this act of Parliament. It was entirely out of the question to imagine it possible that my government would consent to make the discrimination which this act proposes between slaves and freemen deserting from our vessels. And that although I believed but few, if any, slaves were employed as seamen, we could never sanction the principle which would restore the freeman, and grant permission to the slave to escape. I have since heard nothing more of this foreign deserters act. It was passed on the 17th of June, 1852, (15 Victoria, cap. 26,) and is entitled "An act to enable her Majesty to carry into effect arrangements made with foreign powers for the apprehension of seamen who desert from their ships."

* * * * * * * *

Yours, very respectfully,

JAMES BUCHANAN.

Hon. WILLIAM L. MARCY, *Secretary of State.*

Mr. Buchanan to Earl Clarendon.

LEGATION OF THE UNITED STATES,
March 1, 1855.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to recall the attention of the Earl of Clarendon, her Majesty's principal secretary of state for foreign affairs, to the subject of concluding a consular convention between the two governments.

The correspondence of the undersigned with American consuls in different portions of the British empire, convinced him at an early period of his mission of the great value and importance of such a convention to the foreign commerce of both nations. Having brought this subject to the notice of the Earl of Clarendon, in conversation, he was encouraged to believe that their opinions concerning it coincided. In consequence, he obtained from his government instructions and a full power to conclude such a convention; and on the 23d of November last had the honor of submitting to the Earl of Clarendon a printed copy of the existing consular convention of the 23d of February, 1853, between the United States and the Emperor of the French, with some amendments, as the basis of the negotiation.

The undersigned was subsequently informed by the Earl of Clarendon that serious objections existed to several of the details of this convention; whereupon, in order to obviate these difficulties, he proposed to confine the negotiation to three points, which he deemed the most essential. These were: 1. That seamen of the one party deserting from merchant vessels or ships of war, while in the ports of the other party, should be restored. 2. That individuals who had been guilty of murder, mutiny, or other high crimes on board the merchant vessels of one party on the high seas, beyond the territorial jurisdiction of either, should not be permitted to escape on the arrival of such vessels in the ports of the other party. And 3. That the merchant vessels of the one party, upon touching or arriving at the ports of the other, should not have their voyages interrupted or destroyed by vexatious lawsuits, arising out of trifling disputes between the masters and crews of such vessels, and relating exclusively to them, which could be much better adjusted upon their return to their own country.

The undersigned having since learned that the British government are not yet entirely satisfied to accede to these three propositions, has deemed it proper to present them in the form of three distinct articles, which he has now the honor of enclosing to the Earl of Clarendon. *He will make* a very few observations on each of them. And—

1. In regard to restoring deserters. The wonder is, that a stipulation for this purpose

should have been so long delayed between two nations whose commercial intercourse is so vast. It is obviously the dictate of mutual justice, as well as policy, that seamen of the one arriving in the ports of the other, should not be permitted to desert their vessels, and leave the master without the necessary crew. The United States have treaties with all other commercial nations providing an appropriate remedy for this evil. From the information which the undersigned has received, he believes that in the ports of the United States deserters from British merchant vessels have been generally restored in the same manner as those from the vessels of other nations. The same inconvenience and loss have not therefore been experienced by British as by American vessels. As soon, however, as it shall be extensively known that an unlimited license is reciprocally permitted by the two countries to desertion of the seamen of the one in the ports of the other, the balance of injury will at least be equalized.

Surely it would be no hardship on the seamen of either nation to compel them to perform their contract according to its terms. Besides, a provision to this effect would prevent desertion and render the application of the remedy in most cases unnecessary.

2. If it would be wrong to permit deserters from merchant vessels to escape, it would be much more so to suffer those who have committed murder, mutiny, or other high crimes on shipboard, beyond the territorial jurisdiction of either of the parties, to go at large perfectly free from all danger of trial and punishment, upon their arrival in the ports of the other party. A bare statement of this proposition would seem to be sufficient. The necessity for a treaty stipulation on this subject cannot be more forcibly illustrated than by the case, perfectly within the Earl of Clarendon's knowledge, of mutiny which occurred on board the American ship Sovereign of the Seas, in the month of March last, on her voyage from Melbourne to London. On that occasion ten persons, proved to have been guilty of mutiny, were discharged from confinement for the reason that no law exists in Great Britain authorizing their detention. And, indeed, Captain Warner, the master of the vessel, deemed himself quite fortunate in having escaped a suit for false imprisonment, with which he had been threatened by the mutineers. Thus, as the law stands at present, mutiny may be committed on the high seas, on board any American vessel bound to a British port, with perfect impunety. The lives of the passengers and the crew may thus be endangered or destroyed, and the property or freight, whether belonging to American citizens or British subjects, be indiscriminately plundered.

At an early period of the history of the United States, instructions were issued to American consuls abroad, prescribing the mode in which they should proceed by deposition to ascertain the guilt of individuals charged with having committed "piracy, mutiny, or any other offence against the laws of the United States" on board of American vessels arriving in their respective consular districts; and after having performed this duty, they were then directed "to apply to the local authorities for means of securing the offenders while they remain in port, and to provide the means of sending them without delay to the United States for trial." The undersigned has never heard that such an appeal to the local authorities of any other country has been disregarded, though he is satisfied that no law exists in this country which would justify such British authorities in interfering. Hence has arisen, even with a view to self-protection, the absolute necessity of a treaty stipulation to prevent the greatest criminals from being turned loose to prey upon society.

3. The third article, which is similar to that now in force between the United States and several commercial nations, will require a brief explanation. The principle on which it rests is, that the great interests of commerce should not be seriously injured by trifling differences and disputes which may have arisen during the previous voyage between the master and the crew of a British vessel arriving in an American port, and so *vice versa*, in no manner affecting individuals of the country where the vessel temporarily remains. This article, therefore, relates exclusively to such disputes, and prohibits the parties from commencing lawsuits against each other before a foreign tribunal, concerning wages, contracts, and the internal police of the vessel, which can be far more satisfactorily decided after their return home, by the tribunals of the country to which the vessel belongs.

But from abundant caution, and in order to prevent the possibility of injustice in cases requiring a speedy redress, the article proposes to refer such disputes for immediate but temporary adjustment to the consul of the proper country, acquainted with its laws and usages, leaving either party at perfect liberty, on the return home of the vessel, to pursue his remedy just as though there had been no such adjustment.

Great inconvenience and loss have resulted from these petty lawsuits in British ports to American vessels. A single litigious or mischievous person on board, by instituting a suit against the master of a British or American vessel in a port of the other party, at which she happens to touch or arrive, may retard or break up the voyage altogether. The master may not be able to find the necessary security at a place where he is entirely unknown, and his imprisonment is the consequence. And even if he can obtain security, it is in most instances out of the question, that he should be able to return and attend the trial. Surely, neither Great Britain nor the United States have any reason to distrust the judiciary of the other in deciding these differences among their own people, according to their own laws; and the masters, officers, and crew cannot suffer injustice by merely postponing their lawsuit until the termination of the voyage and return home of the vessel.

The government of the undersigned is convinced that the embodiment of the three accompanying articles, with such amendments as may be deemed advisable in a convention, would be highly advantageous to the commerce of both countries, and could do no possible injury to either. Other stipulations might be beneficial, but these are the most important.

The undersigned has the honor to renew to the Earl of Clarendon the assurance of his distinguished consideration.

JAMES BUCHANAN.

ARTICLE I.—*Deserters.*

That deserters from the merchant vessels or ships of war of either of the high contracting parties, whilst in the ports of the other, shall be restored. For this purpose, the proper consuls general, consuls, vice-consuls, and commercial agents of the one party may apply in writing to any court, judge, justice, or other magistrate of the other party, having competent power to issue warrants, stating that the person or persons named has, or have, deserted from a merchant vessel, or ship of war, whilst in any port of the other party, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that such person or persons belonged at the time of desertion to the crew of any such vessel or ship of war, it shall be the duty of the said court, judge, justice, or other magistrate, to issue his or their warrants to cause the said person or persons to be arrested for examination, and if on examination the facts stated are found to be true, then the person or persons so arrested shall be delivered up to the proper consul general, consul, vice-consul, or commercial agent, to be sent back to the vessel or vessels from which they had deserted, or on the request and at the expense of the said consuls general, consuls, vice-consuls, or commercial agents, they shall be detained in confinement until an opportunity shall be found to send them back to the country to which the vessel from which they had deserted belongs. And the said consuls general, consuls, vice-consuls, and commercial agents of the respective parties shall receive all necessary aid and assistance from the proper local authorities of the other party, for the search, arrest, detention, and sending back of such deserters: *Provided*, That no such person shall be detained in confinement more than three months after his arrest, but at the end of that period shall be set at liberty, and shall not again be molested for the same cause: *And provided, also*, That if any such deserter shall have committed any crime or offence, his surrender may be delayed until the proper tribunal before which the case shall be depending or may be cognizable shall have pronounced its sentence, and this sentence shall have been carried into effect.

ARTICLE II.—*Criminals.*

When the crimes of mutiny or revolt, or the attempt to commit mutiny or revolt, murder or assault with intent to commit murder, piracy, robbery, &c, &c., have been committed on board the merchant vessels of one of the contracting parties on the high seas, and beyond the territorial jurisdiction of either, the accused persons shall not be suffered to escape on their arrival in such vessels, in the ports of the other party, but shall be sent to the country for trial against whose laws they have offended. For this purpose it shall be the duty of the consul general, consul, vice-consul, or commercial agent at the port where such merchant vessel shall have arrived, to make application in writing to any court, judge, justice, or other magistrate, having competent power to issue warrants, for a warrant to cause such accused person to be brought before him for examination, as well as process to compel the attendance of witnesses. And it shall be the duty of the said consul general, consul, vice-consul, or commercial agent, to cause to be brought before the said court, judge, justice or other magistrate, the witnesses to prove the commission of such crime, whose testimony shall be taken by deposition, signed by the said witnesses; and if it shall appear to such court, judge, justice, or magistrate, that the testimony thus given is sufficient in law to warrant the trial of the accused for the crime with which he is charged, then it shall be his or their duty to remand him to the custody of the master of the vessel from on board of which he had been brought for examination, to be sent therein for trial to the appropriate jurisdiction, or upon the request and at the proper cost and charge of the consul general, consul, vice-consul, or commercial agent, to cause him to be imprisoned and confined until he can be sent for trial to the appropriate jurisdiction in some other merchant vessel belonging to the same party. And the said consuls general, consuls, vice-consuls, and commercial agents of the one party shall receive all necessary aid and assistance from the proper local authorities of the other party to prevent the escape of such accused persons, and to cause them to be arrested in case they should have escaped, and for securing them from the time of their arrival in port, until their departure: *Provided*, This period shall in no case exceed three months: *And provided, also*, That all expenses incurred under this article shall be borne by the proper consul general, consul, vice-consul, or commercial agent.

ARTICLE III.—*Consular jurisdiction in cases exclusively pertaining to the masters and crews of vessels belonging to the country of the consul.*

In order to prevent the interruption or loss of the voyages of merchant vessels by vexatious lawsuits for trifling causes in a foreign country between the masters, officers, and crew, which may be more appropriately referred for final decision to the tribunals of the country to which such vessels belong, it is agreed that the said consuls general, consuls, vice-consuls, and commercial agents of the one party shall have the exclusive right to sit as judges and arbitrators in reference to disputes concerning wages, the execution of contracts, and the internal order and police of such vessels, whilst in the ports of the other party, between the masters, officers, and crew of such vessels, without the interference of the local authorities, unless the conduct of the master, officers, or crew should disturb the order or tranquillity of the country, or the said consuls general, consuls, vice-consuls, or commercial agents should require their assistance, which shall not then be refused in executing or supporting their own decisions. But this species of judgment or decision should only have a temporary effect, and shall not deprive the contending parties of their right to resort, on their return, to the judicial authority of the country to which the vessel belongs.

Mr. Adams to Mr. Seward.

No. 1253.] LEGATION OF THE UNITED STATES,
London, August 17, 1866.

SIR: After an absence of a few days in the country, I find on my table, as received from the department, despatches numbered from 1805 to 1819, both inclusive.

The most material of these are numbers 1805, 1809 and 1812, of the 18th, 23d, and 24th of July, relating to the cases of naturalized American citizens detained in prison in Ireland on account of supposed privity in the Fenian schemes of insurrection in that country.

The efforts of Mr. West at Dublin, under my directions, appear to have been so successful in procuring the liberation of these persons, that I learn from him the number remaining in Mount Joy prison is reduced to one. There are four others of whose naturalization the requisite evidence is still wanting. So soon as it is received, applications will be made in their behalf.

It appears that Mr. Thomas Hynes, the individual referred to in your No. 1805, although strongly suspected by the authorities of privity to a scheme of assassination, was finally released on the 3d instant, in consequence of the efforts in his behalf of those representatives of the government against whom he is in his letters constantly inveighing. If his character is to be judged by his own expositions of it, it may reasonably admit of doubt whether the interposition will prove an act of mercy either to himself or to others.

In regard to the case of Thomas O'Connell, referred to in your despatch No. 1809 of the 23d of July, I have the honor to report that he was liberated from Mount Joy prison so long ago as the 17th of last March. What has become of him since then, that his friends should not have heard from him, I have no means of knowing.

In regard to the third case, referred to in your No. 1812, of the 24th of July—that of Patrick Hasson, arrested in Belfast so long ago as in February, but which I had never heard of—I immediately applied to Mr. Young, the consul at that place, to know if he had any information respecting him. This produced a reply of rather an extraordinary nature to the effect that he had known of this and other cases of detention, but that he had done nothing in consequence of an impression that the government at home had abandoned the whole ground of claim in the case of naturalized citizens returning to their native country.

To this letter I caused an immediate reply to be made, reminding him of the propriety of consulting either the department or this legation before takin-

upon himself the responsibility of expressing the sentiments of the government in such cases, and desiring him at once to make a representation in behalf of Mr. Hasson, and any other naturalized person whom he might know to be in confinement within his district.

To that letter I have not yet received any response.

Mr. Young is, I believe, about to vacate his place, which may be the reason why he has not acted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1258.] LEGATION OF THE UNITED STATES,
London, August 23, 1866.

SIR: I transmit herewith a copy of the London Times of the 20th instant, which contains a communication on the subject of the disputed claims for the ravage of the vessels fitted out here during the war, with the signature of the letter O. From the internal evidence, I presume this to be written by Mr. Olyphant, a member of Parliament, who was in America last year, and whom I know to entertain similar opinions. Though not representing the ministerial side, I am inclined to the belief that there is a growing sentiment in favor of these views which may in time encourage the government to take hold of the question. Should the pacification on the continent be permanently established, this would remove a serious obstruction to it. On the resumption of business, I shall endeavor to renew the subject in an informal way so as to enable myself to form an opinion as to the chances of arriving at any result while the present ministry continue in power.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times, August 20, 1866.]

THE NEUTRALITY LAWS.

To the Editor of the Times:

SIR: The recent intelligence from the United States gives occasion for very serious reflections. It appears that the House of Representatives has unanimously passed a bill repealing the stringent provisions of the neutrality laws, and modifying the penalties for their violation.

It is true that the bill has not passed the Senate; but the report of the committee which prepared the bill, and the readiness of the House of Representatives to pass it, afford a very significant and a very unsatisfactory indication of the feelings with which this country is looked upon by a large section of the people of the United States.

The professed object of the bill is to assimilate the municipal law of the United States to that of England so far as regards the precautions taken to preserve neutrality and the penalties imposed for its violation. Of course, we have no right to complain that the United States should seek to place their legislation on the same footing as our own. But the report of the committee shows very clearly that the desire for a change in the law had its origin in a feeling of resentment on account of the depredations on American commerce committed by the Alabama and other vessels built in British ports. The Americans assert—whether justly or not I need not now stop to argue—that they have reason to complain of the course taken by the government of this country during their late civil war. They say that either our municipal law was not adequate for the preservation of neutrality, or that it was not enforced with sufficient stringency; that their trade suffered in consequence, and that we have no right to

expect that they should take upon themselves obligations which we refuse to recognize. Now, it may be that some of the provisions of the American law which it is proposed to repeal are inefficient, or that they are superfluous, and impose unnecessary restrictions upon legitimate trade. But, as regards our own municipal law, we have high authority for asserting that it is not adequate for the maintenance of a strict neutrality. Lord Russell, when foreign secretary, declared that it was "scandalous" that vessels like the Alabama should be able to issue from British ports, and to prey upon the commerce of a friendly power; and it is notorious that the government overstepped the law in ordering the detention of the Birkenhead rams. It is equally notorious that we should have been involved in a war with the United States if these vessels had been allowed to proceed to sea. There can be no better evidence that our neutrality laws are in an unsatisfactory state and require revision. And if it is our duty so to amend our law as to enable the government to compel British subjects to abstain from interfering in the quarrels of nations which may be at war with one another, though on friendly terms with ourselves, I think it is obvious that it is our interest, if possible, to induce other countries, and especially the great maritime powers, to amend their neutrality laws, so as to make them as stringent as our own.

But the recent proceedings of the House of Representatives show how hopeless it is to expect any co-operation with us in this direction on the part of the United States so long as the relations between the two countries continue on their present footing. A formal demand for compensation on account of the depredations committed on American commerce by the Alabama and other vessels built in British ports has been made by the government of the United States: it has been peremptorily rejected by our own government. The government of the United States have not abandoned the claim, but reserve the right to press it whenever a favorable opportunity may arise. It seems to me that, so far as we are concerned, the question could not possibly have been left in a more unsatisfactory position. I confess I have always thought that Lord Russell committed a great mistake in refusing to refer the claims of the United States to arbitration. Our object should have been not only to maintain friendly relations with the United States, and to conciliate the people of that country, but to set aside as far as possible any precedent in favor of what has been called "free trade in ships of war" which might have been created by the escape of the Alabama and other vessels of that description. Now, it appears to me that we might have attained both these objects if we had agreed to arbitration. We might have come to an agreement with the United States as to the principles which shall govern the conduct of neutrals towards belligerents, and the legislation which would be required for carrying out those principles. And, so far at least as regards maritime law, it is not too much to say that if once this country and the United States should agree to act in concert the rest of the world must follow in their wake.

I hope it is not yet too late to retrieve Lord Russell's errors. We have a new government; we have a foreign secretary who is not committed to the policy of his predecessor. The government of the United States on their part have shown by their acts that they are animated by the most friendly feelings towards this country.

I trust that our government may not be deterred by any feeling of false pride from using its best efforts to settle our outstanding differences with the United States, and at the same time to come to an understanding with them as to the future rights and obligations of neutrals.

I am, sir, your obedient servant,

O.

AUGUST 17.

Mr. Adams to Mr. Seward.

No. 1259.] LEGATION OF THE UNITED STATES,
London, August 23, 1866.

SIR: In connection with your despatch No. 1820, of the 30th of July, I have now the honor to report that no person proved to be a native or a naturalized citizen of the United States now remains in prison in Dublin under the act for suspending the *habeas corpus*. Two or three are still detained from inability to pay their passage money to get away.

I have not yet received any reply to my letter to Mr. Young at Belfast, from which I infer that he must have quitted his post before it reached there.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1260.] LEGATION OF THE UNITED STATES,
London, August 25, 1866.

SIR: In connection with your despatch No. 1806, of the 18th of July, I have the honor now to transmit copies of the letters that have passed between myself and Lord Stanley in relation to the application made by the authorities in Japan.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Lord Stanley.

LEGATION OF THE UNITED STATES,
London, August 20, 1866.

MY LORD: I have the honor to apprise your lordship that from information received by my government, through Mr. Portman, the acting chargé d'affaires of the United States in Japan, it appears that on the 13th of April the authorities of that country addressed an application to him, soliciting the assent of the President, as representing one of the four powers, parties to the convention of 1864, to an extension of the time designated for the payment of the three remaining instalments of the indemnity therein provided.

To that application an answer has been made by the Secretary of State, dated the 18th of July, in a note, a copy of which I have the honor to submit to your lordship for the information of her Majesty's government. I am instructed further to add that my government, desirous in its action of co-operating in the course determined on by the other parties to the treaty, will be happy to learn the decision of her Majesty's government, should any have been arrived at, upon the question thus presented.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

The Right Hon. Lord STANLEY, *&c., &c., &c.*

Lord Stanley to Mr. Adams.

FOREIGN OFFICE, *August* 23, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, in which you enclose a copy of a despatch from Mr. Seward to the United States chargé d'affaires in Japan, on the subject of the application of the Tycoon's government for delay in paying the remaining instalments of the Simonoseki indemnity money.

It appears, from that despatch, that the President is of opinion that in the absence of any sufficient equivalent for such an extension, and also in the absence of any adequate guarantees for a more just and faithful execution of the treaties, that extension ought not to be granted; but, Mr. Seward states that the United States chargé d'affaires will be instructed to concur in such course as the European powers shall conclude to adopt, and you add that your government will be happy to learn the decision of her Majesty's government, should any have been arrived at upon this question.

I have the honor to state to you, in reply, that in the despatch in which her Majesty's minister in Japan, forwarded a copy of the application for delay, which he, in common with his colleagues, had received from the Japanese government, her Majesty's minister stated that they had determined that, before submitting that application to their respective governments, the representatives of the treaty powers would await the result of the negotiations in which they were engaged with the Japanese government relative to the revision of the tariff, and other measures calculated to encourage commerce and improve the relations of the treaty powers with Japan. Sir Harry Parkes added that he had intimated to the Gorogio that his recommendation of their proposal must greatly depend upon the spirit in which they should meet the representatives in those negotiations.

In a further despatch, since received from Sir Harry Parkes, he reports that the negotiations in question were approaching a conclusion, and he hoped to be able to report by the next mail that the convention was signed, or, at all events, that the new tariff had been agreed upon.

Under these circumstances it has appeared to her Majesty's government that it would be better to defer taking any action upon the application of the Japanese government until it should be presented to the treaty powers by their respective representatives, with such recommendations as they should decide to accompany it with, and it only, therefore, remains for me, pending the arrival of those recommendations, to request you will convey to your government the acknowledgment of her Majesty's government, for the desire expressed by the cabinet at Washington to act in concert with Great Britain and the other treaty powers, in this and other matters affecting their relations with the Tycoon's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

STANLEY.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1835.] DEPARTMENT OF STATE,
Washington, August 27, 1866.

SIR: You will herewith receive a summary of claims of citizens of the United States against Great Britain for damages which were suffered by them during the period of our late civil war, and some months thereafter, by means of depredations upon our commercial marine, committed on the high seas by the Sumter, the Alabama, the Florida, the Shenandoah, and other ships of war, which were built, manned, armed, equipped, and fitted out in British ports, and despatched therefrom by or through the agency of British subjects, and which were harbored, sheltered, provided, and furnished as occasion required, during their devastating career, in ports of the realm, or in ports of British colonies in nearly all parts of the globe.

The table is not supposed to be complete, but it presents such a recapitulation of the claims as the evidence thus far received in this department enables me to furnish. Deficiencies will be supplied hereafter. Most of the claims have been from time to time brought by yourself, as the President directed, to the notice of her Majesty's government, and made the subject of earnest and contiued appeal. That appeal was intermitted only when her Majesty's government, after elaborate discussions, refused either to allow the claims, or to refer them to a joint claims commission, or to submit the question of liability therein to any form of arbitration. The United States, on the other hand, have all the time insisted upon the claims as just and valid. This attitude has been, and doubtless continues to be, well understood by her Majesty's government. The considerations which inclined this government to suspend for a time the pressure of the claims upon the attention of Great Britain were these:

The political excitements in Great Britain, which arose during the progress of the war, and which did not immediately subside at its conclusion, seemed to render that period somewhat unfavorable to a deliberate examination of the very grave questions which the claims involve.

The attention of this government was, during the same period, largely engrossed by questions at home or abroad of peculiar interest and urgency. The British government has seemed to us to have been similarly engaged. These circumstances have now passed away, and a time has arrived when it is believed that the subject may receive just attention in both countries.

The principles upon which the claims are asserted by the United States have been explained by yourself in an elaborate correspondence with Earl Russell and Lord Clarendon. In this respect, there seems to be no deficiency to be supplied by this department. Thus, if it should be the pleasure of her Majesty's government to revert to the subject in a friendly spirit, the materials for any new discussion on your part will be found in the records of your legation, properly and duly prepared for use by your own hand. It is the President's

desire that you now call the attention of Lord Stanley to the claims in a respectful but earnest manner, and inform him that, in the President's judgment, a settlement of them has become urgently necessary to a re-establishment of entirely friendly relations between the United States and Great Britain.

This government, while it thus insists upon these particular claims, is neither desirous nor willing to assume an attitude unkind or unconciliatory towards Great Britain. If on her part there are claims, either of a commercial character, or of boundary, or of commercial or judicial regulation, which her Majesty's government esteem important to bring under examination at the present time, the United States would, in such case, be not unwilling to take them into consideration in connection with the claims which are now presented on their part, and with a view to remove at one time, and by one comprehensive settlement, all existing causes of misunderstanding.

In asking an early attention to the subject, it is supposed that you may, with propriety, dwell upon some of its important features, which, although they have heretofore been indicated by you, may nevertheless not hitherto have sufficiently engaged the attention of the British government.

In the beginning of the year 1861, the people of the United States had, by means of commercial enterprise at home and abroad, built up and realized the enjoyment of a foreign trade second only among the nations, and but little inferior to that of Great Britain. They had habitually refrained from wars, and especially from intervention in the political affairs of other nations. Mutual recollections of ancient conflicts which for three-fourths of a century had held the two countries in a state of partial alienation and irritation had subsided, and what was supposed to be a lasting friendship had been established between the United States and Great Britain; at this moment a domestic disturbance rose in our country, which, although it had severe peculiarities, yet was in fact only such a seditious insurrection as is incidental to national progress in every State.

In its incipient stage, it was foreseen here that the insurgents would, as in all cases insurgents must, appeal to foreign States for intervention. It was supposed that their appeal, if successful anywhere, would be successful in Great Britain, popularly regarded in both countries in one sense as a kindred nation, in another sense as a rival, and in a third, by reason of the great expansion of manufacture, a dependent upon the cotton-planting interest of the southern States, which were to become the theatre of the insurrection. It was foreseen that British intervention even, though stopping many degrees short of actual alliance, or even of recognition of the insurgents as a political power, must nevertheless inevitably protract the apprehended civil war, and aggravate its evils and sufferings on the land, while it must materially injure, if not altogether destroy, our national commerce.

When the insurrection began, the United States believed themselves to hold a position and prestige equal in consideration and influence to that of any other nation; and it was foreseen that foreign intervention in behalf of the insurgents, even to the extent only of recognizing them as a belligerent, must directly, and more or less completely, derogate from the just and habitual influence of the republic. It was foreseen that, should the insurgents receive countenance, aid, and support, in any degree, from Great Britain, the insurrection might be ripened under such influences into a social war, which would involve the life of the nation itself. The United States did not fail to give warning to her Majesty's government that the American people could not be expected to submit without resistance to the endurance of any of these great evils, through the means of any failure of Great Britain to preserve the established relations of peace, amity, and good neighborhood with the United States.

The earnest remonstrances thus made seem to the United States to have failed to receive just and adequate consideration. While as yet the civil war was undeveloped, and the insurgents were without any organized military force or a

treasury, and long before they pretended to have a flag, or to put either an armed ship or even a merchant vessel upon the sea, her Majesty's government, acting precipitately, as we have always complained, proclaimed the insurgents a belligerent power, and conceded to them the advantages and privileges of that character, and thus raised them in regard to the prosecution of an unlawful armed insurrection to an equality with the United States. This government has not denied that it was within the sovereign authority of Great Britain to assume this attitude; but, on the other hand, it insisted in the beginning, and has continually insisted, that the assumption of that attitude, unnecessarily and prematurely, would be an injurious proceeding for which Great Britain would immediately come under a full responsibility to justify it, or to render redress and indemnity. The United States remain of the opinion that the proclamation referred to has not been justified on any ground of either necessity or moral right, and that, therefore, it was an act of wrongful intervention, a departure from the obligations of existing treaties, and without sanction of the law of nations.

Upon a candid review of the history of the rebellion, it is believed that Great Britain will not deny that a very large number of the Queen's subjects combined themselves and operated as active allies with the insurgents, aided them with supplies, arms, munitions, men, and many ships of war. The chief reply which her Majesty's government has made to this complaint, has been that they apprehended inconveniences, from being involved in the contest, unless they should declare themselves neutrals; and, further, that they did, in fact, put forth all the efforts to prevent such aggressions by British subjects which the laws of Great Britain permitted.

Without descending on this occasion so far as to insist, as we always have insisted, that there was a deficiency of energy in the respect adverted to, you may remind Lord Stanley that, in the view which we have taken of the subject, the misconduct of the aggressors was a direct and legitimate fruit of the premature and injurious proclamation of belligerency, against which we had protested, and that the failure of her Majesty's government to prevent or counteract the aggressions of British subjects was equally traceable to the same unfortunate cause.

When the municipal laws of Great Britain proved in practical application to be inadequate to the emergency, the British nation omitted, for various reasons which seemed to us insufficient, to revise these laws, and the United States were left to maintain a conflict with a domestic enemy which British sympathy, aid, and assistance had rendered formidable, and in which British subjects continued throughout to be active allies, without any effective interposition by her Majesty's government.

The claims upon which we insist are of large amount. They affect the interest of many thousand citizens of the United States in various parts of the republic. The justice of the claims is sustained by the universal sentiment of the people of the United States. Her Majesty's government, we think, cannot reasonably expect that the government of the United States can consent, under such circumstances, to forego their prosecution to some reasonable and satisfactory conclusion. This aspect of the case is, however, less serious than that which I have next to present. A disregard of the obligations of treaties, and of international law, manifested by one state, so injurious to another as to awaken a general spirit of discontent and dissatisfaction among its people, is sure, sooner or later, to oblige that people, in a spirit of self-defence, if not of retaliation, in the absence of any other remedy, to conform their own principles and policy, in conducting their intercourse with the offending state, to that of the party from whom the injury proceeds.

Subsequently to the time when her Majesty's government disallowed the claims in question, and determined to exclude them from consideration, a part of

the British realm, and certain of the British North American provinces, became the scenes of sedition, threatening insurrection and revolution against the government of Great Britain. Native-born British subjects residing here, some of whom have been naturalized, and more of whom have not been naturalized in the United States, sympathizing in those revolutionary movements, attempted to organize on our soil, and within our jurisdiction, auxiliary land and naval forces for invasions of Ireland and Canada. The government of the United States, without waiting for remonstrances, appeals, or protests from her Majesty's government, effectively put their municipal laws into execution and prevented the threatened invasions.

Thus we have seen ruinous British warlike expeditions against the United States practically allowed and tolerated by her Majesty's government, notwithstanding remonstrance; and we have seen similar unlawful attempts in this country against Great Britain disallowed and defeated by the direct and unprompted action of the government of the United States.

Her Majesty's government, we think, cannot reasonably object to acknowledge our claims, and to adopt such measures as will assure the American people that their friendly policy of non-intervention in the domestic controversies of Great Britain will be made reciprocal and equal.

I observe, finally, that the United States and Great Britain are two of the leading national powers in this age. The events of the last five years have conclusively proved that harmony between them is indispensable to the welfare of each. That harmony has been, as we think, unnecessarily broken, through the fault of Great Britain; nor does there exist the least probability that it can ever be completely renewed and restored unless the serious complaint which you are now again to bring to the notice of the British government shall be amicably and satisfactorily adjusted. Such an adjustment would be acceptable, we think, to the friends of peace, progress, and humanity throughout the world; while the benignant principles upon which it shall be based, being conformable to the law of nations, will constitute a guide for the conduct of commercial States, in their mutual intercourse, which will everywhere be conducive to international peace, harmony, and concord.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Enclosure to instruction to Mr. Adams, No. 1835.

The following is an abstract of the claims filed in the Department of State by American citizens, native and naturalized, for damages sustained by them as the owners, mariners, freighters, or insurers of duly documented American ships, captured and destroyed, or appropriated by the officers and crew of the steamer Alabama; and as owners, insurers, or otherwise interested in the cargoes of such ships, or in charter parties, for the services of such ships.

The several insurance companies named as claimants are corporations organized and doing business under the laws of the several States in which they are respectively located.

The ship Lafayette, (No. 1,) of 945$\frac{88}{95}$ tons burden, registered at Portland, Maine—whereof Clement H. Soule, Enos Soule, Francis B. Soule, deceased, and Alfred T. Small, of Freeport, Maine, and Hinchman S. Soule, deceased, of New Haven, Connecticut, were the sole owners, and the said Alfred T. Small was master—sailed from New York, October 20, 1862, with a cargo of corn, wheat, and lard, bound for Belfast, Ireland; was captured on the 25th October, 1862, and burned with her cargo and stores—the Alabama wearing British colors at the time of the capture.

The owners claim for the value of the ship and freight	$98,978 68
Captain Small, for charts, nautical instruments, books, clothing, &c.	513 25
B. E. Clark, W. B. Astor, and J. B. Hart, constituting the firm of B. E. Clark & Co., of New York city, for 1,498 grain bags, claim	4,496 70

The bark Elisha Dunbar, registered at New Bedford, Massachusetts—whereof William Watkins, Edward C. Jones, Caleb Anthony, George A. Dunbar, Ann H. Dunbar, and George A. Watkins, of New Bedford, and Benjamin Ellis, of Fairhaven, Massachusetts, were owners—sailed from New Bedford, August 25, 1862, with outfit for a whaling voyage of forty months in the Atlantic and Indian oceans. After taking sixty-five barrels of spermaceti oil, she was captured and burned, September 18, 1862, at or near latitude 39° 50′ N., longitude 35° 20′ W.

The owners claim for the value of the bark, outfit, and cargo, and for the loss of prospective catchings	$128,295 00
They admit that they have received upon policies of insurance of their respective interests	21,375 00

(Which may be claimed by the insurers,) but they insist that their claim is not impaired or diminished by their assignments to the underwriters.

The bark Parker Cook, of Boston, 136 tons burden—whereof Edward Habich was sole owner and Thomas M. Fulton was master—sailed from Boston November 13, 1862, laden with a general cargo, belonging to the said Habich, and bound for Aux Cayes. Captured and burned November 17, 1862, off the east end of St. Domingo, bearing S. S. E., about twenty miles distant.

Damages claimed by the Manufacturers' Insurance Company of Boston, as assignees of Habich and Fulton, for value of vessel	$9,493 35
For value of cargo at Aux Cayes	14,280 94
For freight list of the bark	1,625 29
Expenses of master and crew for subsistence and passage home	180 00
Charts, books, &c., lost by master	485 00

The claims of the owner and master were assigned to said insurance company on the 26th January, 1862, in consideration of $17,100.

The ship Virginia, of 346$\frac{7}{94}$ tons burden, registered at New Bedford, Massachusetts—of which William Hathaway, jr., Joseph Wing, William R. Wing, and Mary C. Lace, the executors of Matthew Lace, deceased, viz: William Hathaway, jr., Edward W. Howland, and William Penn Howland, all of New Bedford; Richard C. Nichols, of Boston; Richard G. Luce, of Tilbury; Lorenzo Smith and Benjamin C. Cromwell, also of Tilbury; S. W. Carey, administrator of Le Roy M. Yule, late of New York; Henry Barling and Abram H. Davis, of New York; and Edward D. Mandell, of New Bedford, executors of Edward Mott Robinson, late of New York, were owners—sailed from New Bedford, August 26, 1862, on a whaling voyage, and was captured near latitude 39° N., longitude 34° W.

The owners claim for value of the bark and outfits, and of the fair and reasonable cargo which might have been taken, $153,950, subject to deduction for amount received upon policies of insurance, $13,550, for which the insurers are entitled to claim.

The bark Lauretta, 284 tons burden, of Boston—whereof Samuel C. Bailey and Marshall M. Wells, of Bristol, Maine; Samuel Lane, Joseph Teague, and Harriet B. Little, administratrix of Robert M. Little, deceased, and Joel Huston, all of Damariscotta, Maine; and William Ropes, of Boston, were owners, and M. M. Wells was master—sailed from New York, October 25, 1862, with a cargo of flour and staves for Madeira and Messina; was captured and burned with cargo, October 28, 1862.

The owners claim for the value of the bark	$15,000 00

The ship Golden Eagle, of New Bedford, 1,120 tons burden—whereof Edward M. Robinson, H. L. Howard, executrix of B. L. Howard, deceased, and John A. McGaw, were owners, and Edward A. Swift was master—sailed from Howland's island, November 23, 1862, with a cargo of guano, bound to Cork for orders; was captured and burned, February 21, 1863, near latitude 29° 17′ N., longitude 45° 15′ W.

The owners claim for the value of the vessel the sum of	$36,000 00
For freight	26,000 00
Making a total of	62,000 00
The master for loss of personal effects the sum of	1,165 00

The Nora, of Boston—whereof George B. Upton and George B. Upton, jr., of Boston, Massachusetts, were owners, and Charles E. Adams was master—sailed from Liverpool for Calcutta, February 18, 1863, under charter to W. E. De Matbos, the owner having no other interest in the cargo than their lien for freight—was captured March 27, 1863, in latitude 1° 23′ N., longitude 26° 30′ W., and burned.

The owners claim for value of ship and freight	$80,000 00
The master for one year's salary	1,800 00
For clothing, books, charts, &c	1,700 90

The bark Union Jack, of 482$\frac{87}{95}$ tons burden—whereof Charles P. Weaver, of Braintree, Massachusetts; Benjamin F. Delano, Frederick Chandler, Charles A. Cousins, Elisha H. Ryder, Maurice M. Pigott, Albert B. Low, William H. Haskins, Henry Pigeon, Otis C. Howe, John Howe, jr., Samuel Averill, and Edward Johnson, of Boston, Massachusetts; Norton Pratt, of South Braintree, Massachusetts; Luther Robie, of Nashua, N. H.; Louisa Wilde, of Boston, and John Atkinson were owners, and the said Charles P. Weaver, was master—sailed from New York, March 28, 1863, with a general cargo, bound for Shanghai, China; on the 3d of May, 1863, in latitude 9° 40′, longitude 32° 30′ W., was captured and burned, with cargo and stores.

The owners claim for value of ship the sum of	$35,000 00
For balance due on charter party, (with premium on exchange at Shanghai, where payable)	6,000 00
The master, for instruments and personal effects, stores for crew, expenses of passage and return to the United States, (with premium on exchange at Shanghai)	2,720 00
Charles D. Lewis, of New York city, for merchandise destroyed in said ship, (with profits equal to exchange on Shanghai)	857 70
Franklin Knight, of New York, a passenger, for loss of library, clothing, expenses, and damages	10,015 00
Byron Binninger, of New York, also a passenger, with his wife, for passage money, goods, expenses, and time	1,782 83
Charles H. Platt, of New York, for merchandise lost	739 48
George A. Potter, of New York, for merchandise, after deduction of amount received from Atlantic Mutual Insurance Company of New York, the sum of	7,584 33
The Sun Mutual Insurance Company of New York, as insurers and assignees of H. F. Vail, for merchandise lost in said ship	1,400 00
The Pacific Mutual Insurance Company of New York, as insurers and assignee of J. Cutter Faller, of New York, on merchandise lost with said ship	1,822 00

The ship Alert, of 398$\frac{18}{95}$ tons burden, registered at New London, Connecticut—whereof Samuel Church was master and part owner, and Moses H. Grinnell, and Robert P. Minturn, of the city of New York; Richard H. Chappell, Henry P. Havens, Francis Allyne, Robert Coit, Robert H. Glass, Thomas P. Williams, and John Clark, of New London; Mrs. Harriet P. Williams, of Norwich, Connecticut; Edward Church, James S. Rogers, of Montevideo, all native citizens, were the remaining owners—sailed from New London August 20, 1862, on a sea-elephant and whaling voyage to the waters about the Azore islands; on the 9th September, 1862, was captured off the island of Flores, and burned with her entire equipment and stores.

Moses H. Grinnell and Robert Minturn, owners of one-eighth of the ship, and who were not insured, claim for loss of their share of the vessel and outfit.	$6,500 00
The remaining owners of seven-eighths of the vessel claim for their interest in the vessel, outfit, and oil on board	8,058 90
Having deducted $13,300 received on insurance, which is claimed by the underwriters, they also claim for their damages, by occasion of the breaking of the voyage	30,000 00
The Atlantic Mutual Insurance Company of New York, as underwriters, on ship and outfit, and assignees of owners insured, claims	13,300 00

The bark Conrad, of 347$\frac{88}{95}$ tons burden, registered at Philadelphia, Pennsylvania—whereof John W. Field, of that city, was sole owner—sailed from Buenos Ayres, June 7, 1863, laden with a cargo of wool, bound for New York, was captured June 19, 1863, near latitude 25° 44′ south, longitude 39° 51′ west, was armed by the captors and used as a consort or tender to the Alabama.

The Atlantic Mutual Insurance Company of New York claim, as underwriters upon the vessel, and as assignees of the owner	$10,000 00
Also, as insurers of R. W. Ropes & Co., of New York, upon part of the cargo	6,570 00
The said R. W. Ropes & Co., for loss over and above sum received of insurers	16,797 36
The Sun Mutual Insurance Company of New York, as insurers upon part of cargo, and assignee of William C. Kirkland & Van Sacks, of New York city	37,205 00
The Columbian Insurance Company of New York, as reinsurers of the Sun Mutual Insurance Company upon part of the risk above stated, the sum of	17,205 00

The ship Thomas B. Wales, of 599$\frac{58}{95}$ tons burden, registered at New York—of which Thomas B. Wales, George W. Wales, and Nathaniel W. Emmons, all of Boston, Massachusetts, were the sole owners—sailed from Calcutta, laden with passengers and a cargo of general merchandise, on the 9th of June, 1862, bound for Boston, was captured and burned

November 8, 1862, in latitude 29° north, longitude 58° west, (or thereabouts,) with cargo and stores.

The owners claim for loss of ship, cargo, and freight, over and above the sums received by them from the several underwriters on policies of insurance ..	$39,811 00
The Atlantic Mutual Insurance Company, as underwriters upon ship and cargo	130,624 00
The Sun Mutual Insurance Company	5,000 00
The China Mutual Insurance Company of Boston	9,200 00
The Alliance Mutual Insurance Company of Massachusetts	5,000 00
J. S. Farlow & Co., of Boston, for merchandise burned with the ship	911 40
George H. Fairchild, a passenger, with his wife, and daughters, and servants, and for personal effects, stores, and expenses	4,400 00
Joshua B. Atkins, of Provincetown, Massachusetts, first mate, for charts and instruments, merchandise on private venture, wages, &c., the sum of....	1,450 00

The bark Sea Bride, of 447 tons burden, registered at Boston and Charlestown—whereof Caleb Eaton, Abriel Eaton, Elbridge G. Choate, and Charles F. White, of Boston: Rosina Clark, administratrix of James Clark, deceased, of Charlestown, Massachusetts: David E. Mayo, of Chelsea, Massachusetts; William Currier, Jonathan Kenniston, and James B. Kenniston, of Newburyport; Zenos D. Bassett, Elisha Bacon, William S. Russell, of New York; and Elisha Rider, of Boston, were sole owners; and said Charles F. White master—sailed from New York May 28, 1863, with a general cargo, bound for Table Bay, Cape of Good Hope, was captured August 5, 1863, within Table Bay, and the owners claim in British waters, and became a total loss.

The owners claim for vessel, equipment, and stores	$30,000 00
Amount due them under charter party to Rufus Greene & Co., of Providence, Rhode Island	10,500 00
Charles F. White, the master, for personal effects, advanced wages, and expenses	3,393 00
Rufus Green, William J. Arnold, and Benjamin R. Arnold, for invoice value of cargo, $36,945 12, and for damages upon non-arrival at port of destination, $8,500—a total of	45,445 12
The Columbian Insurance Company of New York, as underwriters of shares in ship, and freight and portions of cargo, to sundry owners	29,300 00

The bark Amazonian, of 480$\frac{88}{95}$ tons burden, registered at the port of Boston and Charlestown—whereof Elisha A. Rider, of Chelsea, Massachusetts; David E. Mayo, Ariel Gove, Winslow Loveland, Rosina Clark, administratrix of James Clark, deceased, Maurice M. Pigott, Hiram Baker, Henry A. Baker, of Boston, Massachusetts; John F. Cunent, of West Lynn; James Merrill, Solomon Littlefield, Hiram Littlefield, Atkinson Stannard, Daniel C. Rogers, John R. Stannard, Jonathan Kingston, and George B. Merrill, of Newburyport, Massachusetts; Christopher Keith, Ephraim Keith, and Sylvester K. Small, of Chatham, Massachusetts; Zenos D. Basset, Elisha Bacon, and William Russell, of the city of New York, were owners, and the said Winslow Loveland was master—sailed from New York April 22, 1863, laden with general merchandise, and bound for Montevideo, was captured June 2, 1863, and burned, with cargo and stores.

The owners claim for the value of the bark $32,000, and for amount due on a charter party of it to Edward F. Davidson, of New York, $11,000—making a total of	$43,000 00
Winslow Loveland, master, for loss of nautical instruments and clothing, the sum of	260 00
David Mayo, part owner and former master, for instruments, stores, and advanced wages	1,566 00
The New York Mutual Insurance Company as underwriters upon cargo	250 00
The Commercial Insurance Company of New York, insurers of H. D. Cordova & Co	3,385 00
The same company, the New York Mutual Insurance Company, and the Union Mutual Insurance Company of New York, as assignees and reinsurers of the Orient Mutual Insurance Company, against its risks taken on cargo..	[illegible],156 00
The Sun Mutual Insurance Company of New York, as insurers of cargo for sundry persons, the sum of	5,725 00
The Columbian Insurance Company of New York, insurers of cargo for sundry persons	12,750 00
Also as reinsurers to New England Mutual Insurance Company of risk on cargo	10,000 00
To Franklin Insurance Company	2,500 00
The Pacific Mutual Insurance Company, as assignees and insurers of Henry D. Cordova & Co., the sum of	3,385 00

The bark Lafayette, (No. 2,) of New Bedford, of 310$\frac{83}{95}$ tons burden—whereof William Lewis was master, Ivan H. Bartlett, and Ivan H. Bartlett, jr., and George F. Bartlett, of

New Bedford, were managing owners—sailed from New Bedford May 20, 1862, on a sperm whaling voyage with provisions for twenty months, was captured on the 15th April, 1863, near the island of Fernando de Noronha, and burned, with the oil on board and stores.

The owners claim for the ship and outfit	$24,000 00
For oil and $80 cash on board	10,475 00
For value of the enterprise in the probable further catch of oil	33,446 00
William Lewis, master, for clothing, instruments, and goods in private venture, the sum of	1,050 00
George F. Bartlett, part owner, for goods on board for trading purposes	500 00

The brig Kate Cosey, of Westport, in the collection district of New Bedford, Mass., of 320 tons burden—whereof Stephen Flanders was master, and Alexander H. Cosey, of Westport, managing owner—sailed from the port of Bravo, October 13, 1862, on a whaling cruise, and laden with whaling stores; was captured April 15, 1863, near the island of Fernando de Noronha, and burned on the 17th of the same month.

The owners claim for the value of the brig, outfit, and oil on board	$27,800 00
For value of reasonable prospective catch of oil	1,820 00

The ship Sea Lark, registered at Boston, of 973 tons burden—whereof W. F. Peck was master, and Edward Mott Robinson, of New York, Samuel G. Reed of Roxbury, Mass, and Lyman Grimes, of Brooklyn, N. Y., were sole owners—sailed from Boston March 28, 1863, laden with general cargo, and bound for San Francisco; was captured May 3, 1863, near latitude 9° 30′ south, longitude 31° 20′ west, and burned, with its cargo, except such as was pillaged by the captors.

Edward M. Robinson, owner, claims for the value of uninsured interest on ship stores and freight	$37,250 00
Samuel G. Reed, owner, for his uninsured share of outfit and freight	12,937 50
Lyman Grimes, owner, for uninsured share of outfit and freight	4,312 50
The Mercantile Marine Insurance Company of Boston, for insurance paid on shares (one-eighth) of Lyman Grimes in the ship	5,000 00
The Columbian Insurance Company of New York, for insurance paid on share (three-eighths) of S. G. Reed in the ship	15,000 00
To Clark & Wilbur, and W. H. Taylor, on cargo	3,720 00
Ebenezer B. Phillips, of Boston, as owner of part of cargo	4,320 00
The Metropolitan Insurance Company of New York, for insurance paid Robert Morris & Co. on part of cargo	2,000 00
Locke & Montague, for goods on board, the sum of	458 98
The Sun Mutual Insurance Company of New York, for loss paid to D. F. White, of Boston, goods to the value of	450 00
Holmes, Goodwin & Co., of New York, for goods to the value of	3,656 06
Dimon Hatford, of Malden, Mass, for goods to the value of	4,707 04
Hostetter & Smith, of Pittsburg, Penn	71 00
The Washington Insurance Company of Boston, insurers of W. Winson & Co., on goods	11,675 00
Insurers of Charles Soule, jr., on goods	3,300 00
Moses Ellis and Philip L. Weaver, of San Francisco, on merchandise	11,929 27
Robert Morrison & Company, for goods over and above insurance, (received $2,000 from Atlantic Mutual Insurance Company, and $2,000 from Metropolitan Insurance Company, of New York)	1,444 00
Van Winkle & Duncan, of New York, on merchandise	698 34
Daniel L. Perkins, of Oakland, Cal., on merchandise	530 00
Atlantic Mutual Insurance Company, of New York, as insurers of cargo of R. Morrison & Co., and others, the sum of	36,968 00
The New England Mutual Insurance Company, as insurers of sundry owners to [illegible] of merchandise	12,174 00
The [illegible] Wesley Brittan, Alexander Dunbar, McDonald & Kimbal, C. Eldridge, [illegible] Francisco, (J. W. Brittan & Co.,) merchandise	6,517 68
[illegible] upon the [illegible] and James Burgess Stetson, of San Francisco, for goods	1,718 50
John [illegible] as insurers [illegible] above $1,000 received for insurance from Merchants' Mutual of San [illegible] Company of San Francisco.)	
George Osgood [illegible] (Over and [illegible] on, Mass.; Isaac Hatch and Jacob Hatch, of San Fran- Insurance [illegible] ise	1,077 50
Lewis Hatch, of Bost[illegible] and Luigi Bisagno, of San Francisco, for goods lost	735 26

cisco, for merchan[illegible] of the burthen of 1,237$\frac{13}{95}$ tons—whereof D. H. Howard was Pio Bisagno, Bartolomeo, [illegible] the city of New York, and Eben B. Crocker, his partner, The Talisman, of New Yo[illegible] sole owners—sailed from New York May 2, 1863, laden master, and George Warren, of t[illegible] were (by register at that port) the

with coal and general cargo for Shanghai; was captured by the Alabama on the 5th June, 1863, near latitude 14° 47′ south, longitude 34° 7′ west, and burned, with cargo and stores.

The Pacific Mutual Insurance Company, as insurers of merchandise lost on board, as assignees of John L. Martin, of New York, $175; of James Spear, of Philadelphia, $860; of J. Cutler Faller, of New York, $4,234, making a total of	$5,269 00
The New York Mutual Insurance Company claim damages, as assignee, for insurance paid by it	15,094 00
And for insurance on ship of Crocker & Warren, to whose assignee, Francis Skiddy, was paid	10,000 00
Antoine Daniel, a naturalized citizen of Philipsburg, Me., for loss of personal effects, a private adventure of merchandise on board	1,455 00
Columbian Insurance Company of New York, as insurers and assignees upon cargo, of W. H. Fogg & Co	16,907 00
Upon freight, also, of W. H. Fogg & Co	2,591 00
The Washington Insurance Company of Boston, as insurers and assignees of Stephenson, and upon the property of Crocker & Warren, the sum of	10,000 00
Mrs. J. H. Thayer, of Williamsburg, N. Y., for loss of money, time, &c., of minor son, William, on board	1,000 00
The Atlantic Mutual Insurance Company, of New York, as insurers and assignees of Warren & Crocker, on one-third of ship	20,000 00
Of James Jewett, on goods	6,200 00
Bogert & Oakley, on goods	973 00
Dehon, Clark & Bridges, on goods	2,300 00
P. S. Forbes, on merchandise	19,500 00
Westray, Gibbs & Hardcastle, merchandise	1,100 00
Backiin & Crane	17,607 00
Making a total of	67,680 00

The Winged Racer, an American ship of 1,767$\frac{44}{95}$ tons burden, duly registered in the port of New York—whereof George Cumming was master, and Robert W. Taylor, Henry W. Hubbell, George Ashton, and Edward H. Gillian, all of the city of New York, were the sole owners—sailed from the port of Manilla October 8, 1863, loaded with hemp, sugar, indigo, pearl shells, and cigars, bound to the port of New York. On the 10th November, 1863, when within three miles of North island, a Dutch possession, the Winged Racer was captured by the Alabama, and, after being plundered by the crew of the latter, was set on fire and totally destroyed, with the cargo and stores remaining on board.

The owners claim damages as follows:

For the value of the ship at the time of her destruction, exclusive of her stores and outfit	$60,000 00
For value of her freight	22,095 00
Robert W. Taylor and Henry W. Hubbell, part owners of the ship, were owners of part of the cargo, and claim damages for the value of said cargo, at the port of destination, at the time it would reasonably have arrived, but for its destruction in transitu, (over and above the sum of $15,000 received by them from insurers and freight,) to the sum of	233,844 81
They state that the Pacific Insurance Company insured said goods to the amount of	15,000 00
George Cumming, of Brooklyn, master, for his personal effects, merchandise loaded on his account, the sum of	2,784 00
The Atlantic Mutual Insurance Company of New York, as assignee of Youngs & Co., for insurance paid on cigars and indigo by said company	$20,118 00
As assignee, &c., of Youngs, Smith & Co, for insurance paid on fifty-five cases pearl shells	2,720 00
Of Parsons & Petit, insurance paid on indigo, sold to arrive	300 00
Of George Ashton, part owner, for insurance of one eighth of vessel	6,000 00
And one-eighth of freight—making	32,138 00
The Columbian Insurance Company of New York, as reinsurers and assignees of the Pacific Mutual Insurance Company upon cargo on board	$5,000 00
The Pacific Mutual Insurance Company of New York claim as assignees and insurers of Henry W. Hubbell, upon $\frac{15000}{180179}$th of hemp and sugar destroyed on Winged Racer	15,000 00
George W. Thompson, of Portsmouth, N. H., first mate of the Winged Racer, for clothing, instruments, and other property, besides sickness and expenses	980 00

The ship Contest, of 1,098 tons, duly registered at New York—whereof Abner A. Low, Josiah O. Low, Lucius Hyde, jr., Ann D. B. Low, Thomas Vernon, A. Low, and Edward H. R. Lyman, of New York; Joseph Z. Robert, of Rye, N. Y.; Nathaniel B. Palmer, William H. King, of Rhode Island, were owners; and Frederick G. Lucas, master—sailed from Kanagawa 14th October, 1862, laden with rags, cotton, tea, and other merchandise, bound for New York. On the 4th November, 1863, about latitude 5° 14′ south, longitude 106° 50′ east, the ship was captured by the Alabama and burned, with her cargo.

The owners claim damages for the value of $\frac{63}{100}$ uninsured of the vessel	$26,500 00
And for freight	30,522 38
—Whereof $20,000 was insured and paid to them.	
The Atlantic Mutual Insurance Company of New York were the insurers, and had paid upon $\frac{37}{100}$ of the ship the sum of	18,500 00
The owners also claim damages for the destruction of cargo, which was mostly owned by, and all of which was consigned to them, to the amount of its value	61,500 00
Less the amount insured thereon and paid on abandonment to the Atlantic Mutual Insurance Company.	
Frederick George Lucas, master, for his books, charts, nautical instruments, clothing, merchandise, shipped on his account and venture, expenses of maintenance and passage to the United States, and for loss of time	4,638 00
Oliver Bryan, 29 South street, New York, for merchandise lost, in Mexican dollars	180 59

The American bark Lamplighter, of 360 tons burden, duly registered in the ports of Boston and Charlestown—whereof David Howland, David Hinckley, and others named in the ship's register, (a copy of which was filed with their memorial 29th July 1864,) were the owners, and Oring J. Harding was master—sailed from New York 9th October, 1863, laden with a cargo of tobacco, and bound to Gibraltar. On the 15th of October, 1863, the bark was captured and burned, with her cargo and stores.

The owners claim damages for the value of the bark	$18,500 00
For freights, ($\frac{3}{4}$ by those who presented claims of $3,780,) say	50,040 00
The Columbian Insurance Company of New York, as insurers and assignees upon the freight of Bassett & Nickerson	5,000 00

The American ship Charles Hill, of 699 tons, duly registered at Boston—whereof Charles Hill and Charles J. Hill, of Boston; John Currier, of Newbury, Connecticut; and William Lambert, of Portsmouth, New Hampshire, were sole owners, and Franklin Percival, master—sailed from Liverpool, February 12, 1863, laden with salt, and bound to Montevideo. On the 25th of March, 1863, near latitude 1° 23′ north, longitude 26° 30′ west, was captured, and totally destroyed by fire.

The owners claim for the loss of the ship	$32,000 00
And the further sum of (on the cargo on board)	11,735 33
Making	43,735 33
Frank Percival, of Barnstable, Massachusetts, master of the Charles Hill, claims for instruments, books, clothing, money, &c	$1,542 60

The bark Amanda, a duly registered American vessel—whereof Thos. J. Stewart, Timothy Crosby, John H. Crosby, Benjamin S. Crosby, George Crosby, Anna L. Crosby, Joseph H. Wheelwright, and John B. Foster, of Bangor, Maine, and Sarah H. Pendleton, administratrix of the estate of Charles U. Pendleton, deceased, of Searsport, Maine, were sole owners, and Isaiah Larabee was master—sailed from Manilla, laden with sugar and hemp, the 18th of September, 1863, bound to Queenston, Great Britain. On the 6th of November, 1863, about 125 miles S. SW. of Java Head, the bark was captured by the Alabama, and burned, with her cargo and stores.

The owners claim the value of the bark and freight, in the sum of	$68,000 00
Subject to a deduction of $2,500, for insurance, as below stated.	
Isaiah Larabee, master, claims for loss of primage and personal effects	2,039 37
Hiram Emory Swain, of Frankford, Maine, first mate, for clothing, &c	690 00
The Merchants' Mutual Insurance Company of Bangor, as insurers and assignees of the interest of Joseph A. Wheelwright and Catherine McG. Foster, part owners	2,500 00

The American bark Tycoon, duly registered at the port of New York, of 717$\frac{15}{95}$ tons—whereof William Warren, D. Gookin, Wm. W. Wakeman, Matthew Bird, Charles Dimon, John B. Dickinson, Andrew T. Stewart, of New York city; Frederick Dimon, Norwalk, Connecticut; and Jonathan Godfrey, of Southport, Connecticut, were sole owners, and Edward Ayres, of Wilmington, Delaware, was master—sailed from New York the 19th of March, 1864, with a general cargo, bound to San Francisco. On the 27th April, 1864, in latitude

10° 55′ south, longitude 31° 25′ west, the Tycoon was captured by the Alabama, and, after being stripped of such stores, spars, and cargo as the captors desired, was set on fire by the latter, and became a total loss.

The owners claim damages for the value of the ship, with her outfit	$64,000 00
For freight and primage	24,559 78
Making	88,559 78
The Atlantic Mutual Insurance Company of New York were the insurers to different mercantile firms and individuals, of goods shipped on the Tycoon, and described in fifty-five bills of lading. It paid the parties insured, upon the abandonment to it of such goods and claims for damages, the several sums insured, and claims, as the assignee of them respectively, sums to the amount of	$121,896 00
De Witt, Kittle & Co., of New York, claim for goods shipped on their account	$9,885 44
For commissions on freight lost on said bark, (2½ per cent. on $24,559 78) the sum of	613 99
Commission on goods consigned to their firm in San Francisco	550 00
Making an aggregate of	11,049 43
Edwin Deming, of Hartford, Connecticut, claims for goods shipped by him (uninsured)	$1,170 50
Locke & Montague, of New York, claim for goods shipped for their account	2,037 95
George J. Brooks, of New York, for goods shipped	1,598 67
The Sun Mutual Insurance Company of New York, as insurers and assignees of sundry parties, on goods destroyed, and of the charterer, R. M Corley, of New York, paid	16,859 00
Charles Mann and Ezra H. Winchester, of San Francisco, claim for goods	5,578 28
John Taylor, of San Francisco, for goods lost	1,658 00
Joseph Pollock, of New York, and Leopold Pollock, of San Francisco, naturalized citizens, for goods destroyed	655 75
Abraham S. Rosenbaum, Joseph Brandenstein, of New York; Moses Rosenbaum, of San Francisco, for goods	4,978 25
The Columbian Insurance Company, as insurers and assignees upon vessel, and freight of C. & F. Dimon	5,500 00
Upon cargo of J. C. Dayton & Co	4,855 00
Of Hall & Macomber	275 00
Of F. Hortsman & Co	2,000 00
Of Robert Taylor	4,500 00
And of L. McMurry & Co	3,150 00
Coffin, Redington & Co., of New York	3,166 42
Hostetter & Smith, of Pittsburg, Pennsylvania, for merchandise	3,934 43
W. F. Brittan & Co., for goods	5,325 74
Pacific Mutual Insurance Company, as insurers of goods lost in the Tycoon, and assignees of Franklin Carter, of Quincy, Massachusetts	$2,400 00
Of J. Hiller & Bro, New York	623 00
Of H. Cohen & Co., of New York	5,200 00
Of Schloss Bros., of New York	300 00
Of W. H. Poole, of New York	2,906 00
Of John Keys, of New York	602 00
Of Frederick Victor and Achiles, of New York	3,030 00
Making a total of	15,121 00

The duly registered American ship Sonora, of 707$\frac{83}{95}$ tons—whereof John W. Cushing, William Cushing, Nicholas Johnson, Elizabeth Le B. Mills, Thomas Pritchard, and William Pritchard, of Newburyport, Massachusetts, were sole owners—sailed from Hong Kong, in China, 26th of November, 1863, bound to Akyab, in British India, to load with rice, or general merchandise, for Europe, under charter party made with C. F. Webert & Co., of London—was captured and burned near latitude 3° north, longitude 101° east, in the Straits of Malacca, on the 26th of December, 1863.

The owners claim damages for value of ship, the 30th of May, 1864	$55,800 00
Also, for the value of charter of ship when destroyed	33,244 44
The Columbian Insurance Company claim, as insurers and assignees of William Cushing	30,000 00

Texan Star.—Samuel Stevens and John Atkinson, of Boston; George L. Rogers and Samuel B. Pike, of Newburyport, Massachusetts, allege that they were the owners of the American-built bark Texan Star, which they sold on the 9th of December, 1863, to March Biddle Currier, of Maulmain, for 70,000 rupees, current in the British East Indies; the ship was registered at Maulmain under the name of Martaban, 707$\frac{23}{94}$ tons burden, and mortgaged by the purchaser to the memorialists for 80,000 rupees, payable, with interest, at the rate of 5 per cent. per annum, on the 10th of January, 1864.

The ship sailed from Maulmain in command of Captain Samuel B. Pike, 12th of December, 1863, bound to Singapore. On the voyage, 24th of December, 1863, the ship was taken by the crew of the Alabama, set on fire, and totally destroyed, with her guns, stores, &c.

The mortgagees claim reparation.

Golden Rule.—The Panama Railroad Company, a corporation created under the laws of the State of New York, claim damages for the capture and destruction by the Alabama of the bark Golden Rule, of 254$\frac{14}{95}$ tons, registered at New York, said company and David H. Hoadley owning both ship and cargo.

The Golden Rule, on its way from New York to the port of Aspinwall, or Colon, in New Granada, was captured on the 26th day of January, 1863, by the Alabama, in latitude about 18° north, and longitude 75° west, and, after the removal of a portion of the cargo to the Alabama, was totally destroyed by burning, with the residue of the cargo remaining on board.

The damages claimed by said corporation are, for value of the Golden Rule and freight	$16,000 00
And for that part of the cargo belonging to said corporation	1,406 00
Peter A. Whitebury, of New York, master of the vessel, claims for the loss of his clothing, nautical instruments, and other personal effects	850 00
And in behalf of John Cassidy, the mate of said vessel, for loss of clothing and nautical instruments, the sum of	200 00
The Commercial Mutual Insurance Company of New York claims, as assignee of Wm. H. Knoepfel, for money paid by it on insurance of merchandise destroyed in the Golden Rule	728 00
The Commercial Mutual Insurance Company, the New York Mutual Insurance Company, and the Union Mutual Insurance Company, (all of New York,) claim, as assignees and reinsurers of the Orient Mutual Insurance Company, who, as insurers for $4,000 to F. Probst & Co., of New York, of goods destroyed in said ship, had accepted an abandonment thereof, and reassigned one-half their claim to said claimants, the sum of	2,000 00
Charles W. Bond, of New York, late firm of Jansen Bond & Co., for goods	3,353 66
The Sun Mutual Insurance Company claim, as insurers and assignees of Le Roy & Co., of Hartford, Connecticut, upon merchandise	700 00
The Columbian Insurance Company of New York, as insurers upon cargo, and assignee of Ribon & Munoz	9,020 00
J. Hochendorf, jr., American merchant at Lima, assignee of Homer & Hochendorf, for merchandise	7,098 61
The Pacific Mutual Insurance Company claim, as insurers of merchandise and assignee of John Keeler, of New York, the sum of	800 00

The ship S. Gildersleeve, of 847 tons, of New York—whereof J. H. Brown & Co., of the city of New York, Silvester Gildersleeve, Henry Gildersleeve, and Cicero Brown, of Portland, Connecticut, were owners, and John McCallun was master—sailed from Sunderland, England, to Calcutta, laden with coals; captured and burned, with its cargo and stores, on the 21st of March, 1863, about latitude 12° 10′ south, longitude 34° 55′ east.

The Commercial Mutual Insurance Company of New York claim damages as insurers of three-fourteenths of the hull, tackle, &c., of the ship, (valued at $35,000,) for cash paid by them on abandonment of the assured, the sum of	$7,500 00
The Sun Mutual Insurance Company of New York claim, as insurers of J. W. Brown & Co., upon their share of the vessel, paid on loss	10,000 00

Ship Brilliant.—Joshua Atkins and Edwin Atkins, of Brooklyn, New York, and George Hagar, master mariner, of Boston, Massachusetts, claim that they are the sole owners of the ship Brilliant, of New York, a duly registered American ship of 839$\frac{71}{95}$ tons, which sailed from New York 13th September, 1862, laden with grain, flour, &c., and bound to London, in which said owners had no other interest than their lien for freight. On the 3d October, 1862, the Brilliant was captured near latitude 40° north, longitude 50° 30′ west, by the Alabama, and, after being plundered by her officers and crew, was set on fire and totally destroyed.

The owners claim damages as follows:

For the value of the ship	$75,000 00
For amount of freight	£3,415 9s. 8d.
B. E. Clark & Co., (W. B. Astor and J. B. Hart,) of New York, for goods	3,211 80

The Atlantic Mutual Insurance Company, as insurers of John A. Atkins & Co., upon the freights	$18,000 00
The New York Mutual Insurance Company	9,245 00
George Hagar, master, for loss of his personal effects, and for expenses of return	1,250 00

The bark Olive Jane—whereof Robert Kallock was master—sailed from Bordeaux 24th January, 1863, bound to New York, and on the 21st February, 1863, about latitude 20° 17′ north, longitude 45° 15′ west, was captured, pillaged, and burned.

The Sun Mutual Insurance Company of New York claim damages, as insurers and assignees of C. Mellette & Co., and also of C. A. de Vivier, of New York, on merchandise	$767 66
The Columbia Insurance Company claim, as insurers of cargo, assignees of Charles Lord & Co	800 00
Of B. E. Clark & Co., on ship	2,069 00

The Anna F. Schmidt, a ship of 784$\frac{88}{95}$ tons burden, registered at New York—whereof Henry B. Trumbly was master, and Charles Williams, of Framingham; George C. Lord and Charles H. Lord, of Boston; George W. Campbell, of Bradford; Moses J. Milliken, of Newburyport, Massachusetts; George Wise, Robert Smith, jr., of Kennebunk; and Moses M. Batter, of Portland, in the State of Maine, were the sole owners—sailed for San Francisco 17th January, 1863, and on the 2d July, 1863, about latitude 25° 29′ south, longitude 37° 46′ west, was captured, pillaged, and burned.

The Sun Mutual Insurance Company of New York claim damages, as insurers and assignees of Van Winkle & Duncan and Daniel Palmer, owners of merchandise destroyed with said ship	$2,050 00
The owners claim damages for her capture and destruction for the difference between the value of the ship and a charter party made thereof to Nathaniel Winson & Co., of Boston, and the sums insured thereon, the ship being valued at	30,000 00
And insured (by war policies) for $22,000	8,000 00
The Washington Insurance Company of Boston, as insurers and assignees of China Mutual Insurance Company, reinsurance on ship	5,000 00
And of Winson & Co., on cargo and freight of ship	6,560 00
The New England Mutual Marine Insurance Company claims, as insurance, &c., of Charles Williams	$8,000 00
George Lord & Co., advances and captain's effects	10,500 00
On merchandise of Howard & French	1,300 00
On merchandise of F. Price & Co	1,000 00
On merchandise of Thomas C. Lafavor	265 00
On merchandise of E. H. Baker & Co	600 00
Making a total of	26,665 00
Pio Bisagno, Bartolomeo Bisagno, and Luigi Bisagno, of San Francisco, for goods lost	$2,094 30
Metropolitan Insurance Company, New York, as insurers, &c., of Nash & Fogg, cargo destroyed	3,300 00
Horton, Hall & Co., Boston	700 00
Manufacturers' Insurance Company, (reinsurance)	5,000 00
Moses Ellis and Philip S. Weaver, of San Francisco, California, for goods lost on board	11,535 92
Levi Stevens, Colin Clark Baker, and Judah Baker, of San Francisco, California, for loss of commissions on goods consigned to them and lost on board, and for collecting general average of ship, (repaired before loss)	3,244 42
Dimon & Hubbard, of Malden, Massachusetts, for losses on board	905 36
Charles W. Bond, of 78 Cedar street, New York, of firm of Janson, Bond & Co., of San Francisco, for merchandise	670 00
Lewis Hecht, of Boston, Jacob Hecht and Isaac Hecht, of San Francisco, for merchandise lost	391 00

The American ship John A. Parks, duly registered at New York, of 1,046$\frac{48}{95}$ tons burden—whereof James A. Cooper was master—sailed from New York 11th of February, 1863, bound to Montevideo, and was captured, pillaged, and destroyed by fire on the 2d March, 1863, about latitude 29° 15′ north, longitude 38° 20′ west.

The Sun Mutual Insurance Company of New York claim damages as insurers and assignees of Alexander S. Howard and Eldridge F. Rollins, of Boston, on their share of said ship	$6,563 00
And of Nesmith & Sons, of New York, on merchandise destroyed	1,200 00

The Columbian Mutual Insurance Company of New York claim, as insurers of Walsh, Carver & Chase, on advances for ship	$3,500 00
Of H. Cooper, jr., on ship	3,938 00
Of A. H. Howard, on ship	7,500 00
The Washington Insurance Company of Boston, as insurers of Peter Cooper upon one-quarter of ship	10,500 00

The ship Emma Jane, of Bath, Maine, of 1,096 tons burden—whereof David C. Magoun, —— Clapp, and Francis C. Jordan were owners, and F. C. Jordan was master—sailed from Bombay, 6th January, 1864, in ballast, bound to the port of Anchove for orders, and was captured 14th January, 1864, in latitude 8° 6′ north, longitude 76° 10′ east.

The owners claim for value of ship	£10,000	
And for value of charter	5,462 5s.	
The Columbian Insurance Company, as insurers of Magoun & Clapp, claim upon ship		$20,000 00
And of C. C. Duncan on vessel		5,000 00

The ship Rockingham, of Portsmouth, 976 tons—whereof Albert L. Jones and William P. Jones were sole owners—sailed from Callao 24th February, 1864, Edward Gerrish being master, bound to port in the United Kingdom, to touch at Cork for orders, and laden with guano. On the 23d April, 1864, about latitude 15° 53′ south, longitude 30° 44′ west, was captured and burned.

The Atlantic Mutual Insurance Company of New York claim value of ship in their own right as insurers	$40,000 00
And as assignees of William Jones & Son	50,000 00
Making	90,000 00
The Columbian Insurance Company, as insurers of William Jones & Son on ship	$15,000 00

Ariel.—The Columbian Insurance Company claim damages for loss of cargo of the steamer Ariel, destroyed by the Alabama on the 7th December, 1862, as insurers and assignees of Ribon & Muñoz $8,500 00

Manchester.—The Columbian Insurance Company claim for loss of ship Manchester, destroyed by the Alabama 11th October, 1862, as insurers of B. J. H. Trask, jr. $10,000 00
Henings & Gosling, of New York, for wheat destroyed in the ship Manchester. 6,646 32
The New York Mutual Insurance Company, as insurers on ship 7,500 00

Palmetto.—The Columbian Insurance Company claims, for loss of the Palmetto, captured by the Alabama on 3d February, 1863, as insurers of C. & E. J. Peters upon freight $500 00

Highlander.—The Highlander (Jabez H. Snow, master) sailed from Singapore to Akyab 26th December, 1863.

The Columbian Insurance Company claims, as insurers of E. D. Peters & Co., upon the ship	$15,000 00
Of same on freight	6,000 00
The Metropolitan Insurance Company of New York, as insurers of Edward D. Peters & Co., of Boston, upon the ship	15,000 00

The Dorcas Prince, of New York, an American vessel of 700 tons, Frank B. Melcher, master, sailed from New York for Shanghai, 13th March, 1863, with general cargo, and was captured by the Alabama on the 26th April, 1863, about latitude 7° 30′ south, longitude 31° 30′ west; was plundered and burned, with her cargo and stores.

The Columbian Insurance Company claims, as insurers of N. L. & G. Griswold, on ship	$5,000 00
Ditto on freight	5,000 00
The Atlantic Mutual Insurance Company of New York, as insurers of N. L. & G. Griswold, upon cargo	12,000 00
Ditto of Brooks Bros., on cargo	276 00
Ditto of H. W. Gray, on cargo	750 00
The New England Mutual Insurance Company, as insurers of N. L. & G. Griswold, on ship	5,500 00
Ditto on freight	5,000 00

The ship Louisa Hatch, 853 tons, registered at Rockland, Maine—whereof William Grant was master, and William McLoon and Charles W. McLoon were sole owners—sailed from Cardiff for Point de Galle, laden with coals; was captured on the 4th April, 1863, about lat-

itude 3° 13′ south, longitude 26° 12′ west, off Fernando de Noronha; the coal was put on the Alabama, and the officers and crew landed on that island; the vessel was then destroyed by fire.

The owners claim for value of the ship	$65,000 00
Loss on freight to Pointe de Galle	15,000 00
Provisions	2,000 00
Chronometer	250 00
Making a total of	82,250 00

Crenshaw and Wave Crest.—Peter & Co., New York, claim for grain bags, destroyed with the Crenshaw, the sum of $638 80
Same firm, for losses on the Wave Crest, the sum of 1,095 00

The ship Express, of Boston, 1,073$\frac{73}{95}$ tons—whereof William S. Frost was master—sailed from the Chincha islands on the 5th March, 1863, laden with guano, and bound for Antwerp, under charter of Seccan & Co., of that city, and Seccan, Valleviano & Co., of Lima, Peru. On the 6th July, 1863, about latitude 29° south, longitude 31° 40′ west, was captured and burned, with cargo and stores, log, register, and mail.

The Washington Insurance Company of Boston claim, as insurers of Richard Jenness, upon ship	$2,000 00
On her freight	4,000 00
Of Daniel Marcy, on ship	6,000 00

The Courser.—Schooner registered at Provincetown, 121 tons—whereof Silas S. Youngs was master, and Henry Cook, Sylvanus Cook, Jonathan Cook, Alfred Cook, Samuel Cook, Eleazer Cook, Silas J. Youngs, Isaac F. Mayo, George A. H Lewis, John H. Mayo, Joseph Mayo, and Thomas Lewis, of Provincetown; John, James, and Leonard McKenzie, of Essex, Mass., were owners—sailed from Provincetown 12th March, 1862, bound on a whaling voyage to the North Atlantic ocean; was captured near the island of Flores 16th September, 1862, and burned, with her cargo and stores.

The owners claim, for the value of the schooner, outfit, &c $12,462 47

Weather Gage.—The schooner Weather Gage, registered at Provincetown, of 100$\frac{13}{95}$ tons—whereof Samuel C. Small was master, and Harvey Cook, Sylvanus Cook, Jonathan Cook, Samuel C. Small, Samuel Cook, Charles H. Dyer, Isaac W. Mayo, Jno. D. Mayo, and Joseph Mayo, of Provincetown; Leonard Ware, Ebenezer Arthur, Henry A. Baker, and Hiram Baker, of Boston; John, James, and Leonard McKenzie, of Essex, Mass., were owners—sailed from Provincetown 4th August, 1862, bound on a whaling voyage to the North Atlantic ocean, and, on the 9th day of September, 1862, near the island Coro, was captured by the Alabama and burned the next day, with her cargo and stores.

The owners claim, for the value of the schooner, outfit, &c $10,220 50

The schooner Starlight—whereof Samuel Whitman, Seth Whitman, Daniel Eaton Lufkin, and Lemuel Whitman, of Deer Isles, Maine, were owners—sailed from Boston the 7th August, 1862, in ballast, with passengers, for Western Islands. On her return voyage, 2d September, 1862, was captured by the Alabama and burned.

The owners claim, for value of said vessel, the sum of	$3,500 00
Chalmer S. Dawes, as charterer, and for value of provisions	725 00
Samuel H. Doane, master, for books, clothing, watch, and specie	330 00
William Williams, for chronometer	250 00

The Jabez Snow, registered at Newburyport, of 1,073$\frac{83}{95}$ tons burden—Jabez Snow, Franklin Spofford, Henry Darling, Enoch Barnard, Joseph R. Fulsome, of Bucksport, Maine; George H. Peters, William C. Peters, and Joseph B. Ellicott, of Boston, Massachusetts; Henry D. Brookman and John W. Brookman, of New York, sole owners—left Cardiff, Wales, April, 1863, laden with coals for Montevideo, under command of George W. Guin, and on the 29th May, 1863, latitude 15° south, longitude 34° west, was captured and burned.

George W. Guin, the master, of Bucksport, Maine, claims damages for wearing apparel and personal effects, merchandise belonging to him	$3,500 00
For loss of wages, primage, and profits on goods not insured	3,100 00
Making a total of	6,600 00

The bark Nye, of New Bedford, of the burden of 200 tons—Joseph B. Baker, master—sailed from the port of Saint Helena on the 25th July, 1862, bound for New Bedford, laden with sperm and whale oil. On the 24th of April, 1863, in latitude 5° south, longitude 32° west, was captured and burned, with her cargo of 425 barrels of sperm, and 140 of whale oil.

The New England Mutual Marine Insurance Company claim, as insurers of	
Daniel Baker, upon catchings on said bark	$700 00
Of Joseph Baker	1,000 00
Of Frederick Howland	650 00

The ship Levi Starbuck, duly registered at New Bedford, of 376$\frac{3}{95}$ tons burden—whereof Edward W. Howland, Thomas S. Hathaway, Caleb Kempton, George Barnay, and Cornelius Howland, jr., executors of Cornelius Howland, deceased; George Barney, William A. Gordan, and Wing Russell, all of New Bedford, were owners, and Thomas Mellen was master—sailed from New Bedford October 28, 1862, on a whaling voyage to the North Pacific, and on the 2d November, 1862, in latitude 35° 40′ north, longitude 56° west, was captured and burned by the Alabama, with her outfit and stores.

The owners claim damages to the amount of $229,312 50.

They were insured as follows:

George W. Howland	$13,200 00
George Barney *et al.*, executors	4,800 00
Thomas L. Hathaway	2,000 00
George Barney, (Mutual Insurance Company)	1,500 00
William A. Gordon, in Commercial Insurance Company, assignee	1,850 00

The Dunkirk—whereof C. Peters and E. J. Peters, of the city of New York, were owners, and Samuel B. Johnson, of Blackhill, Hancock county, Maine, was master—sailed from New York for Lisbon, September 30, 1862, and on 7th October, 1862, in latitude 40° 23′ north, longitude 54° 30′ west, was captured and burned, with her cargo, &c.

Captain Johnson claims for his share (one-half) of freight (after deducting $2,000) recovered for insurance on entire freight, goods, and expenses	$1,514 64
Isaac Sherman and Henry C. Wybert, of New York city, for goods lost in the ship Dunkirk, the sum of	607 60

The ship Benjamin Tucker, of New Bedford, Charles B. Tucker & Co., owners, was captured 14th September, 1862, and burned.

The owners claim for ship, outfit, and oil on board, and for damages by the breaking up of the voyage	$124,000 00

The bark Ocean Rover, of Mattapoisett, sailed 26th May, 1859, on a whaling voyage, and was captured 8th September, 1862, off the island of Flores, and burned.

The owners claim for ship and outfit, oil on board, and damages for breaking up of voyage	$104,000 00

The brig Altamaha, of Sippican—S. C. Luce and others owners—sailed May 14, 1862, on a whaling voyage, and was captured 13th September, 1862, and burned, off the island of Flores.

The owners claim for value of brig and outfit, and damages for breaking up of the voyage, the sum of	$15,450 00

Shenandoah.

The following is an abstract of the claims filed in the Department of State by American citizens, native and naturalized, and by corporations organized and doing business under the laws of the States in which they are respectively located, for damages sustained by them as the owners, mariners, freighters, or insurers of duly documented ships of the United States, and as owners, insurers, or otherwise interested in the cargoes of such ships, or in charter parties for the service of such ships captured and destroyed or appropriated by the officers and crew of the steamer Sea King, or Shenandoah:

The bark Delphine, 705$\frac{34}{95}$ tons burden, registered at Bangor, Maine—whereof Eliab Wright Metcalf and Samuel D. Thurston, of Bangor; Phineas Pendleton and William G. Nichols, of Searsport, Maine; Phineas Pendleton, 3d, and William McGilvery, of the same place; Henry Darling, of Bucksport, Maine; Benjamin Carver, H. D. Brookman and John N. Brookman, of New York city, were owners—sailed October 12, 1864, laden with machinery and ballast, from Gravesend, bound to Akyab, and was captured December 29, 1864, in about latitude 39° 20′ south, longitude 69° east, and became a total loss.

The owners claim as follows:

For value of the ship	$56,000 00
For outfit, expenses, and advanced wages	15,000 00
For value of charter for voyage	8,000 00
The master, William G. Nichols, for loss of primage, expenses of self and family in Australia and return, and merchandise	5,100 00

This claim, so far as William M. Gilvery is concerned, appears to be subject to a deduction for $2,000, received by him on insurance by Columbian Marine Insurance Company of New York, which that corporation will claim.

The bark Isabella, of 315$\frac{6}{95}$ tons burden, registered at New Bedford, Mass.—of which Thomas Knowles, John P. Knowles, Joseph Knowles, William O. Brownell, George Barney, Slocum Allen, John A. Wood, and Thomas H. Knowles, of New Bedford; Deborah D. Goddard, of Boston; Hudson Winslow, of Freetown; James Winslow, of Dartmouth; Reuben Nickerson, jr., of Easthaven—all in Massachusetts; Henry Burding and Abner H. Davis, of New York; and Edward D. Mandell, of New Bedford, executor of Edward M. Robinson, were owners; and Hudson Winslow was master—sailed from New Bedford, September 29, 1863, on a whaling voyage, to the Pacific ocean. On the 26th of June, 1865, while beating through the Behring's straits towards the Arctic ocean, and in latitude about 64° 50′ north, was captured, plundered, and burned, with her stores and cargo.

The owners claim, for value of bark and outfit	$60,000 00
Oil and whalebone on board	27,765 00
Loss by breaking up of voyage	174,600 00
The New England Mutual Marine Insurance Company claim, as insurers of Hudson Winslow, on outfit and cargo	1,000 00
The Atlantic Mutual Insurance Company of New York paid on fire policies on bark and outfit	16,800 00

The bark Aliva, of 573$\frac{89}{95}$ tons, registered at Searsport, Maine—whereof Edward Staples, of Stockton, Maine; William McGilvery, of Searsport; John M. Lane, Joseph Cook, F. & P. Pendleton, Lebbeus Curtis, William F. Black, Woodman Cronin, and Robert Porter, of Searsport, and Benjamin Carver, of New York city, were owners; and the said Edward Staples was master—sailed from Newport, England, October 6, 1864, laden with railroad iron, and bound for Buenos Ayres; was captured, pillaged, and sunk, October 29, 1864, about latitude 16° 40′ north, longitude 26° 45′ west.

The owners claim, for value of bark and outfit	$68,000 00
For freight under charter party	15,000 00
The master, Edward Staples, for loss of primage, wages and personal effects	3,817 43

The bark Susan, of 134 tons burden, registered at Sag Harbor, and enrolled at New York—whereof C. H. H. Meyer, of New York, was sole owner, and F. W. Hansen, master—sailed from Cardiff, Wales, September 26, 1864, laden with coal, and bound for the coast of Brazil; was November 10, 1864, stripped and sunk.

The owner claims for value of vessel	$10,000 00
And for freight money pending	2,500 00

The bark Edward, of 274$\frac{14}{95}$ tons burden—whereof Thomas Knowles, John P. Knowles, Joseph Knowles, John Knowles, 2d, John P. Knowles, jr., Charles Hitch, and Jonathan Brown, native, and Antoin Joseph, a naturalized citizen, all of New Bedford—sailed from New Bedford August 2, 1864; was captured December 5, 1864, in latitude 37° 45′ south, longitude 11° 50′ west, about forty miles westward of Tristan d'Acunha, and burned.

The owners claim damages for value of bark, outfit, oil on board, and breaking up of voyage, (protesting against diminution thereof by reason of $19,875 received by them upon insurance)	$189,806 00

The bark William C. Nye, 389$\frac{35}{95}$ tons burden, registered at San Francisco—whereof John C. Merrill, D. C. M. Ruer, Alfred Tabbs, George H. Moore, William How, Charles Hare, and P. H. Cooty, of San Francisco, were owners, and P. H. Cooty was master—sailed, March 27, 1865, from the port of San Pedro, on a whaling cruise, in the Arctic ocean; was captured by the Shenandoah June 26, 1865, and burned.

The owners claim for value of bark	$35,000 00
Boats and other outfits	20,000 00
Oil on board	7,087 50
Estimated damage in loss of future catching of oil	218,125 00
The Atlantic Mutual Insurance Company of New York as insurers of the Union Mutual Insurance Company of New Bedford, for the risk on ship and outfit	20,000 00

The bark Gipsey, registered at New Bedford, of 110 tons burden—whereof Thomas Mandell and Sophia Ann Howland, of New Bedford; Edward M. Cleaveland, of Nantucket; and Edward Mott Robinson, of New York city, were owners, and Orlando G. Robinson was master—sailed from New Bedford May 28, 1862, for the Pacific ocean, on a whaling voyage; was captured June 26, 1865, in latitude 64° 30′ north, distant five or six miles from western shore of Behring straits, and burned.

The owners claim for value of bark	$20,000 00
For whaling outfit	40,000 00

and bone on board	$10,663 75
lue of prospective catchings	49,075 00
e master, Orlando G. Robinson, for merchandise, fins, whalebone, whale teeth, &c	7,211 00
e first mate, John Callen, for whalebone, tobacco, clothing, and instruments	1,200 00
e Columbian Insurance Company of New York, as insurers of bark and outfit	14,000 00
e Atlantic Mutual Insurance Company of New York, insurers of bark and outfit	10,000 00

The ship Hillman, of 382$\frac{84}{95}$ tons burden, registered at New Bedford—whereof William G. ber, John Hunt, deceased, Henry Tabert, James Arnold, Robert Tuckerman, William J. tch, Joseph Brownell, of New Bedford, and Mary E. Gordon, of Brooklyn, New York, re owners, and J. A. Macomber, master—sailed from Honolulu May 2, 1865, on a whaling rage in the Arctic ocean; was captured June 28, 1865, within the headlands of Cape st and the North Cape of St. Lawrence bay, and burned.

e owners claim for value of vessel	$20,000 00
tfits, $40,000, and oil on board, $10,489 75	50,489 75
lue of reasonable prospective catchings	54,675 00
n A. Macomber, master, for fins, shells, instruments, books, clothing, and expenses	962 00
e Atlantic Mutual Insurance Company of New York, as insurer of sundry owners on ship and outfits	21,500 00
reinsurers of Union Mutual Insurance Company of New Bedford, on ship and outfit	4,750 00

The bark Congress, of 376 tons burden, registered at New Bedford—whereof Gideon Allen, bert Allen, F. E. Stanbury, Joseph Clark, Pardon Tillinghast, Jonathan Smith, Eliza Allen, George Homer, and Frederick Homer were owners, and the said F. E. Stanbury s master—sailed from New Bedford, June 3, 1863, for the Pacific and Arctic oceans; sailed m Honolulu under command of David D. Wood, the original master being sick, for the tic ocean, and was captured June 28, 1865, between the headlands of Cape East and rth Cape of St. Lawrence, and burned.

e owners claim for value of bark and outfit	$56,000 00
ale oil and bone on board	33,845 00
d for prospective catchings	53,075 00
niel D. Wood, master, personal effects, &c	982 00

The ship Isaac Howland, 399$\frac{3}{95}$ tons burden, registered at New Bedford—whereof Edward Mandell, Charles R. Tucker, Sylvia Ann Howland, and Thomas Mandell, of New Bed- d, and Edward Mott Robinson, of New York city, were owners, Jeremiah Ludlow, master— led from New Bedford, October 19, 1864, for the Pacific and Arctic oceans; captured June near the point of Cape East and North Cape of St. Lawrence, plundered and burned.

e owners claim, subject to abatement for insurance, for value of ship and outfit	$65,000 00
r oil and bone on board	48,554 00
d for prospective catchings	53,075 00
e Atlantic Mutual Insurance Company of New York, as insurers upon ship and outfit	16,250 00
d upon catchings	7,750 00
d as reinsurers of the Commercial Mutual Insurance Company of New York, on ship and outfit	14,000 00
emiah Ludlow, master, personal effects	710 00

The bark Catherine, of 384$\frac{42}{95}$ tons burden, registered at New London—whereof John Hem- ad, James Smith, Thomas W. Williams, Henry P. Havens, Robert B. Smith, and Mrs. za B. Edgar, of New London, and Samuel Willetts and Grinnell, Minturn & Co., New rk, were owners, and Wm. H. Phillips was master—sailed from Honolulu, April, 1865, for whaling voyage in the Arctic ocean; was captured June 26, 1865, in Behring's straits, off senka bay.

e owners claim for oil, about	$18,328 75
mes O'Donnell, of San Francisco, 4th officer, for goods, &c., have in catch.	3,800 00
e Atlantic Mutual Insurance Company of New York, as insurers of ship and outfit	11,676 00
reinsurers of Ocean Mutual Insurance Company upon ship and outfit	15,000 00

The bark Waverly, of 327$\frac{8}{95}$ tons burden, registered at New Bedford—whereof David B. mpton, Peleg Slocum, Frederick Slocum, Stephen N. Potter, (deceased,) Wm. J. Rotch, njamin B. Covell, Rudolphus Beetle, and John A. Rodgers, of New Bedford, and Gideon

Richmond, of Dighton, Mass., were owners, and Richard Holley was master—sailed from Honolulu, April 12, 1865, on a whaling voyage in the Arctic ocean; was captured June 26, 1865, in Behring's straits, and burned.

The Atlantic Mutual Insurance Company of New York claim, as insurers of ship and outfits	$31,250 00
Richard Holley, master, personal effects and expenses	1,732 00

The Susan Abigail, of 159$\frac{3}{95}$ tons burden—whereof Shed & Wright were owners—sailed from San Francisco on a whaling voyage April 27, 1865, and was captured and burned in the Auyder sea.

The owners claim for the brig, outfit, stores, and merchandise on board	$41,123 37
And for estimated season's catch, destroyed, and profits of trade in ivory	225,848 37

The bark Covington, of 350$\frac{36}{95}$ tons burden, registered at Bristol and Warren—whereof Charles T. Childs, Shubal P. Childs, Guy M. Fessenden, of Warren, Rhode Island; John L. Jenks, of Edgartown, Massachusetts; Thomas L. Jenks and Samuel Talbot, of Boston; David S. Wilson, Thomas G. Wilson, Henry R. Wilson, and James G. Wilson, Baltimore, Maryland, were owners, and John L. Jenks master—sailed November 22, 1864, from Honolulu on a whaling voyage; was captured and burned June 28, 1865, in Behring's straits

The owners claim for the value of the bark (less $12,748 75 received upon insurance policies)	$17,251 25
Loss of outfit, stores, and cargo	25,110 25
For prospective catch and profits	61,506 90
For effects, &c., of John C. Mosher, mate	514 00
Charles Smith Downs, seaman, for share of oil, wages, clothing, &c	889 00
The Atlantic Mutual Insurance Company of New York, as insurers of bark, catch, &c	15,000 00

The D. Godfrey, Samuel W. Hallett, master, from Boston, October 6, 1864, to Valparaiso, with general cargo, burned November 7, 1864, in latitude 6° 25′, longitude 27° 15′ west.

The New England Mutual Marine Insurance Company claim, as insurers upon merchandise on board, of the Ames Plough Company	$863 00

The bark Nimrod, registered at New Bedford, of 340$\frac{97}{95}$ tons burden—whereof William Gifford, of New Bedford; Nathaniel C. Casey, of Nantucket; Nehemiah P. Baker, of Falmouth; Luther Potter, Josiah Sherman, Wanton H. Sherman, and Isaac R. Gifford, of Westport, were owners, and James M. Clark was master—sailed from New Bedford, April 15, 1863, bound on a whaling voyage and fitted for forty-eight months; was captured June 25, 1865, off Indian Point, in Behring's straits, and burned, with cargo and stores.

The Atlantic Mutual Insurance Company of New York claim, as insurers of vessel and outfit	$28,000 00
The owners, protesting against any diminution of their damages by reason of the receipt of insurance by them, claim for loss of vessel and outfit, whale oil and bone on board, and damages by breaking up the voyage	238,280 87
Wellington Weaver, of San Francisco, late first officer, for personal effects, share in the catch of oil and bone, and in prospective catchings	8,500 00

The ship Euphrates, of 364$\frac{48}{95}$ tons, registered at New Bedford—whereof Edward W. Howland, Joseph Grinnell, George Barney, and Cornelius Howland, jr., executors of Cornelius Howland, deceased; George Barney, in his own right; and Frederick S. Gifford, of New Bedford; Abraham R. Gifford, of Westport, Massachusetts; Andrew Howland, of Boston; and Henry Grinnell, of New York, were owners, and Thomas B. Hathaway was master, sailed from Honolulu, April 29, 1865, on a whaling voyage; was captured June 21, 1865, near Behring's straits, and about 15 miles northeast of Cape Madeus, with cargo and stores.

The owners claim, for value of ship and outfit, oil and whalebone on board	$67,813 50
For damage in breaking up voyage	100,875 00
Of the owners, Joseph Grinnell and Henry Grinnell were insured, and had received payment of their losses to the extent of	9,750 00

The other owners had no indemnity or satisfaction.

The ship Edward Casey, 357$\frac{38}{95}$ tons burden, registered in San Francisco—whereof Charles Hare, of San Francisco, was sole owner, and George D. Baker was master—sailed from San Francisco, January 22, 1865, on a whaling voyage. The ship and outfit, having cost $42,982 20, was captured and burned April 3, 1865, in latitude 6° 50′ south, longitude 168° east.

The owners claim for loss of ship and outfit and breaking up of voyage	$109,582 70

The ship Abigail, 309$\frac{7}{8}$ tons burden, registered at New Bedford—whereof Laren Snow, Oliver Crocker, George O. Crocker, Pardon Tillinghast, of New Bedford; and Ebenezer F. Nye, of Picasset, Massachusetts, were owners, and the said Nye was master—sailed from Yokohama, April 13, 1865, on a whaling voyage; was captured and burned May 27, 1865, off Cape Oliver, in Okhotsk sea.

The owners claim for bark, outfit, oil on board	$61,543 50
Damages by breaking up voyage	169,849 20
Ebenezer F. Nye, master, for loss of goods on board	12,505 00
James F. Taber, mate, for private effects	610 50

The bark Josiah Swift, 454$\frac{7}{95}$ tons burden, registered at New Bedford—whereof Jireh Swift, jr., Frederick S. Allen, Oliver Crooker, George O. Crooker, Thomas W. Williams, Pardon Tillinghast, Jas. H. Howland, Abraham Dellano, Allen Case, Joseph Clarke, Nancy S. Billings, of New Bedford; Humphrey H. Swift and William A. Russell, of New York, were owners, and Thomas W. Williams was master—sailed from Honolulu on a whaling voyage April, 1865; was captured June 22, 1865, off Cape Thaddeus, in the North Pacific ocean, and burned.

The owners claim for damges	$223,587 50
Thomas W. Williams, master, private effects	963 00
James O. Aveline, first mate	180 25

The ship General Williams, 419$\frac{33}{95}$ tons burden, registered at New London—whereof Charles Barnes, Henry R. Bond, Acors Barnes, William H. Barnes, of New London; William Williams and Harriet P. Williams, of Norwich; George C. Benjamin, of Boston; and Grinnell Minturn & Co., of New York, were owners, William Benjamin, master—sailed from Honolulu, December 22, 1864, on a whaling voyage in the Arctic ocean; was captured and burned June 25, 1865, near island of St. Lawrence.

The owners claim damages by her destruction, (over and above $44,673 20 net insurance received by them)	$40,503 85
Wm. Benjamin, master	1,215 00
Asa Benjamin, first mate	270 00
The Atlantic Mutual Insurance Company of New York, as insurers of ship, outfit and catchings	23,792 00

The bark Favorite, 293$\frac{43}{95}$ tons burden, registered at New Bedford—whereof Farman R. Whitwell, and Hannah Whitwell, of Fair Haven; Thomas G. Young, of Portland, Maine, Anna E. W. Richardson, of Nunda; and Georgia W. Moore, of Brooklyn, New York, were owners, Thomas G. Young, master—sailed from Kanagawa, April 28, 1865, on a whaling voyage in the Arctic ocean; was captured and burned June 28, 1865, while beating up Behring's straits.

The Atlantic Mutual Insurance Company claim as insurers and assignees of the owners for loss paid on vessel and outfit	$40,000 00
Thos. G. Young, late master, for loss of private effects	1,498 25

The schooner Lizzie M. Stacey.—Francis M. Ashton, of Salem, Massachusetts, late an officer of the schooner Lizzie M. Stacey, destroyed by the Shenandoah near latitude 1° north, longitude 28° west, claims for loss of wages, books, expenses, and personal injury $3,050 00

Ship Nassau.—Mrs. William C. Paine, of Boston, claims for her share one-eighth of the ship Nassau, burned in the Arctic ocean June 28, 1865 ..... $10,000 00

The bark Martha.—Joshua L. Macomber, late master of the bark Martha, of New Bedford.

For personal effects, &c	$3,175 00
James Bowden, first mate	700 00
Charles H. Smith, second mate	625 00

Ship Sophia Thornton.—John W. Thompson, late chief mate of ship Sophia Thornton, of New Bedford, claims for loss of personal effect, expenses, &c $674 00

FLORIDA

The following is an abstract of the claims filed in the Department of State, by American citizens, native or naturalized, and by corporations organized and doing business under the laws of the State in which they are respectively located, for damages sustained by them, as the owners, mariners, freighters, or insurers of duly documented vessels of the United States, captured and destroyed or appropriated by the officers and crew of the steamer Florida, and as owners, insurers, or otherwise interested in the cargoes of such ships, or in charter parties for the service of such ships:

The Red Gauntlet, of Boston, a ship of 1,038 tons burden, whereof A. H. Lucas was master, and Francis Boyd, of Boston, was owner, sailed from Boston, May 22, 1863, laden with *ice and general* cargo, for Hong Kong, China, a portion of the cargo belonging to said Fran-

cis Boyd, and the remaining capacity of the ship, after reserving room for coal for ballast, was chartered to Everett & Co., of Boston, for the outward voyage, for $12,000, in Mexican dollars. On June 14, 1863, in about latitude 8° 30′ north, longitude 34° 40′ west, was captured, the cargo plundered, from day to day, by the officers and crew of the Florida, and the ship and remainder of the cargo burned June 26, 1863, in longitude 47°, latitude 29° north, or thereabouts.

The owner claims, for himself and his underwriters, as follows, viz:

For value of ship and outfit	$56,000 00
For value of part of cargo belonging to him	9,294 79
For value of charter on outward voyage	18,624 44
Including exchange on ———, less value of homeward freight	25,000 00
The Sun Mutual Insurance Company, of New York, as insurers of Everett & Co., on cargo	9,000 00
The Atlantic Mutual Insurance Company, of New York, as insurers upon cargo of Thos. B. Everett	4,200 00
Same company, as insurers upon cargo of Henry P. Blanchard	1,000 00

The ship Commonwealth, of 1,275$\frac{6}{95}$ tons burden, registered at New York—whereof George S. McClellan was master, and Nehemiah P. Mann, Nehemiah P. Mann, jr., Adrian J. Mann, of Boston; Messrs. Charles L. Colby, of the city of New York; Gardner Colby of Boston; Thos. Hastings, Henry Scudder, Thos. M. Hastings, Albert Dunbar, of Brewster, Massachusetts; Frederic Dunbar, of Yarmouth, Massachusetts; Geo. Cogswell, of Bradford; Wm. N. Botson, now deceased, of Boston; and the said Geo. S. McClellan, were owners—sailed March 19, 1863, laden with general cargo and government stores, for San Francisco; was captured, plundered, and burned April 17, 1863, about thirty miles south of the equator, in longitude about 30° west.

N. P. Mann & Co. claim, as owners of one-fourth of ship and of freight	$22,250 00
The Metropolitan Insurance Company, of New York, as insurers of Dunbar & Colby, on freight	2.000 00
Geo. J. Brooks & Co., of New York, for merchandise	1,235 00
Dimon Hubbard, of Malden, Massachusetts	635 50
Thomas Emery's Sons, of Cincinnati, claim for merchandise and premium of insurance	4,488 20

The Atlantic Mutual Insurance Company of New York claim, as insurers and assignees upon cargo, as follows:

Of E. & H. T. Anthony	$353 00
Dunbar, Hobart & Co.	4,637 00
Hertxog & Co.	5,000 00
J. B. Newton & Co.	2,000 00
Zorn & Cö.	60 00
Kennedy & Bell	6,891 00
H. W. Bragg & Co.	1,141 00
W. S. Bancroft	1,000 00
Willet C. Ward & Co.	2,583 00
C. H. Benedict & Co.	4,050 00
John D. Wing	1,400 00
N. Kellogg & Co.	397 00
Hawley & Co.	1,000 00
Kelly, Mott & Co.	484 00
Charles W. Crosby	1,870 00
Robert L. Taylor	4,000 00
Roes, Dempster & Co	7,227 00
Brewster & Co	1,445 00
S. Hausmann	1,600 00
Demas S. Barnes & Co.	1,200 00
J. H. Cogghill & Co.	3,500 00
C. H. Grant & Co.	500 00
Charles W. Crosby & Co.	7,150 00
Mitchell Vance & Co.	300 00
Kelly, Mott & Co.	2,216 00
Making, in all, the sum of	62,044 00

Robert Morrison & Co. claim, for merchandise	$6,394 20

The Pacific Mutual Insurance Company of New York claim, as insurers and assignees upon property, as follows:

Of Morris Speyer	$1,855 00
W. S. Toole	1,100 00
William Seligman & Co.	7,500 00
Cornelius Comstock	2,818 00
John Keys	291 00
Making, in all, the sum of	13,564 00

The Sun Mutual Insurance Company of New York claim, as insurers of merchandise in the Commonwealth, and by subrogation to the rights of Josiah Macy's Sons, of New York, for $1,287, and H. Dopmann & Co., of New York, for $1,600—making	$2,887 00
The Columbia Insurance Company of New York claim, as insurers upon freight of Dunbar & Colby, $10,000; of same primage, $2,000; of same cargo, $5,000; B. Marche & Bro., cargo, $428—making	17,428 00
Van Winkle & Duncan, of New York, claim for merchandise lost	893 09
Hostetter & Smith, of Pittsburg, Pa., claim for merchandise lost	2,072 09
Coffin, Reddington & Co., of New York, claim for merchandise lost	3,342 63
Murphy, Grant & Co., of New York, claim for merchandise lost	15,288 77
Van Antwerp and Mapol claim for merchandise lost	714 18
Emanuel Rosenfeldt and Jacob Rosenfeldt, of New York city, claim for merchandise	18,744 96
J. Heller & Bros., at New York, and M. Heller & Bros., at San Francisco, (one firm,) claim for merchandise	4,008 24
James de la Montauga, of San Francisco, claims for merchandise	1,375 15
Jacob Zack, of San Francisco, claims for loss	1,253 96
John Taylor, of San Francisco, claims for goods	904 88
John Young Hallock. Miles B. Carpenter, Harry C. Parker, and Christian Christiansen, of San Francisco, claim for goods lost	2,948 80
David Nichols Hawley, Walter Nichols, and George Thomas Hawley, of San Francisco, claim for goods lost	8,496 19
Thomas Day, of San Francisco, claims for goods	5,316 69
Charles William Armes, George Willis Armes, and Richard B. Dallahu, of San Francisco, claim for goods lost	1,903 61
Joseph Pollock, of New York, and Leopold Pollock, of San Francisco, claim for goods destroyed	253 80
Edward Burke, Benjamin and William Franklin Whittier, of San Francisco, claim for goods destroyed	1,745 94
H. Cohen & Co., of New York and San Francisco, claim for merchandise	5,222 35
John E. Louer, of New York, claims for goods lost	474 18
William Heller, of New York, Louis Sacks and Martin Sacks, of San Francisco, California, claim for goods lost, (subject to reduction of $4,192 for insurance)	9,683 00
The New England Mutual Marine Insurance Company claim as insurers upon ship Commonwealth, of Harry Scudder & Co	5,000 00
Of Dunbar & Colby	17,500 00

The American ship Jacob Bell, of 1,380$\frac{6}{95}$ tons burden, registered at New York—whereof Charles H. Frisbie was master, and Abril A. Low, Josiah O. Low, Edward H. R. Lyman, and Harriet W. Bell, of New York city; Susan D. Brown, of Princeton, and Frederick F. Cornell, of Somerville, New Jersey; Frederick L. Washburne, of Boston; Edward King and William H. King, of Newport, Rhode Island, were sole owners—sailed from Fou-Chou, China, November 8, 1862, with a cargo for New York; was captured and burned, with the cargo, February 12, 1863, in latitude 24° north, longitude 65° 58′ west, by the Florida.

A. A. Low & Brothers claim, as owners and assignees of the ship and cargo, as follows:

For value of ship, ($10.000 only insured)	$22,783 00
Merchandise, (on which $45,000 insurance)	94,922 30
The Pacific Mutual Insurance Company claims, as assignees of A. A. Low & Brothers, on merchandise	10,000 00

The Atlantic Mutual Insurance Company of New York claim, as insurers upon cargo of Jacob Bell, and assignees of Pickering, Winslow & Co., of Boston	$1,600 00
Of Williams & Hall, Boston	5,600 00
Young & Emmons	9,000 00
Bercklin & Crane	8,312 00

Weston & Grey	$93,563 00
Frothingham & Bailey	3,000 00
Oliphants, Son & Co	3,808 00
Amounting to	124,883 00

The Commercial Mutual Insurance Company of New York claims, as insurers of ship and cargo, and assignee of A. A. Low & Brothers on three-twentieths of hull, &c	$17,500 00
Mrs. Martha N. Williams, of Utica, N. Y., claims for furniture, books, and clothing, and other personal effects, (in gold)	1,653 18
Charles W. Johnson, minor son of John W. Johnson, American missionary at Swatow, claims for clothing, &c., (in gold)	200 00
The Sun Mutual Insurance Company of New York claim, as insurers and by subrogation to the rights of sufferers by loss of the Jacob Bell	22,110 00

The Oneida, an American ship of 420$\frac{35}{95}$ tons burden, duly registered at New York—whereof Thomas S. Hathaway, of New Bedford, was sole owner, and Jesse F. Potter was master—sailed from Shanghai January 24, 1863, with a cargo partly as freight and partly on owner's account, and was captured April 24, 1863, in latitude 1° 40′ south, longitude 29° 10′ west, by the Florida, pillaged and burned, with cargo and stores.

The owner claims damages as follows:

For losses on vessel, valued at $25,000, deducting amount paid by underwriters, $15,000—less premium of insurance, $1,802—$13,198, making loss on ship	$11,802 00
For loss on cargo, after deducting the sums paid by underwriters, less premium	73,542 24
Loss on freight list, after deductions	1,294 37
The Metropolitan Insurance Company of New York claims, as reinsurers and assignees of the Baltimore Marine Insurance Company, on the cargo	5,000 00
The Washington Insurance Company of Boston claims, as reinsurers of the New York Mutual Insurance Company, upon cargo, of Thomas S. Hathaway	5,000 00
The Pacific Mutual Insurance Company claims, as insurers of profits on cargo of T. S. Hathaway	10,000 00
The Sun Mutual Insurance Company of New York claims, as insurers of cargo	42,179 00
The Columbian Insurance Company of New York claims, as reinsurers of Sun Mutual Insurance Company on cargo	30,000 00
The New England Mutual Marine Insurance Company claims, as insurers and assignees of Thomas S. Hathaway, on the profits of the ship	20,000 00
As reinsurers of Mercantile Mutual Insurance Company	3,300 00

The American ship Star of Peace, of 941$\frac{30}{95}$ tons burden, duly registered at Boston—whereof Charles Hill and Charles F. Hill, of West Roxbury; John Currier, jr., of Newburyport Massachusetts; and William Lambert, of Portsmouth, New Hampshire, were the sole owners, and Francis M. Hinckley was master—sailed from Calcutta December 8, 1862, with cargo, bound for Boston, and was captured by the Florida, March 6, 1863, in latitude 15° north, longitude 54° west, plundered and burned, with remaining cargo.

The owners claim the value of the ship and outfit, $56,500; for freight and cargo, $27,384	$83,884 00
The Washington Insurance Company of Boston claim, as insurers and assignees of Charles Hill, on ship	6,000 00
Of B. H. Lisbee, upon profits on property of ship	8,000 00
Henry DuPont, Eluther DuPont, Lammont DuPont, and Eugene DuPont, of Wilmington, Delaware, claim for cargo	22,000 00
The Commercial Insurance Company of New York claim, as insurers and assignees of Curtis & Peabody, of Boston, upon merchandise	10,000 00
As reinsurers of the Orient Mutual Insurance Company of New York	3,815 00
The Pacific Mutual Insurance Company of New York claim, as insurers and assignees of E. J. DuPont, DeNemours & Co., of Wilmington, on merchandise	5,000 00

The Sun Mutual Insurance Company of New York claim, as assignees or subrogated to the rights of parties damaged by the loss of the ship, as follows:

Curtis & Peabody, of Boston, upon profits on merchandise	$8,000 00
B. H. Silsbee, upon merchandise	8,652 00
E. J. DuPont, DeNemours & Co., of Wilmington, Delaware	15,000 00
The Manufacturers' Insurance Company of Boston, (on reinsurance)	10,000 00
In all	41,652 00

The Columbian Mutual Insurance Company of New York claim, as insurers and assignees of Charles F. Hill, upon freight and vessel	$10,000 00
The Atlantic Mutual Insurance Company claim, as insurers and assignees of J. S. Farlon & Co., Hiram Hutchinson, Young & Emmons, J. G. Wild, and W. H. Goodwin, T. Salter, Frederick Dan, Dana & Co., George M. Baupond, and W. C. Codman—in all	109,749 00
The New England Mutual Marine Insurance Company of Boston claims, as insurers of John S. Farlon & Co	2,500 00
As reinsurers of China Mutual Insurance Company	10,000 00

The ship Electric Spark, of Philadelphia, of 810 tons burden—whereof William J. Taylor, of Philadelphia, was owner, and John C. Graham was master—sailed from New York, July 9, 1864, bound for New Orleans with a full cargo, and was captured by the Florida, July 10, 1864.

The owner claims, for the value of the vessel, her outfit, and coal	$166,000 00
Edward Anthony, H. T. Anthony & Co., claim for merchandise	1,708 51
The Pacific Mutual Insurance Company of New York claims, as insurers upon cargo	48,153 00
The Commercial Mutual Insurance Company of New York, as insurers upon cargo	350 00
The Pacific Mutual Insurance Company of New York claim, as insurers and assignees of Isaac Hobart, of New York, on cargo	48,153 00
The Columbian Insurance Company of New York claims, as reinsurers of Mutual Insurance Company, on cargo	$40,000 00
Of J. R. Bassett, on cargo	900 00
	40,900 00
Samuel Perry, Charles S. Perry, and S. B. Potter, claim for merchandise lost.	$2,455 09
Tuthill, Miller & Co., of New York, claim for merchandise lost	898 32

The ship Avon, of Boston, of 946$\frac{44}{95}$ tons burden, duly registered at Kennebunk—whereof Hartley Lord and Henry C. Lord of Boston; Daniel Cleares and John W. Deering, of Saco; George Wise and M. C. Matting, of Kennebunk, Maine; and Alfred Howes, of Dennis, Massachusetts, were the sole owners; and the said Alfred Howes was master—was laden with a cargo at Howland's island, in the Pacific ocean, for Queenstown, Ireland, for orders, and thence to a port of discharge; she sailed from Howland's island December 31, 1863, and was captured by the Florida March 29, 1864, plundered and burned on the next day, with her cargo.

The owners claim for value of the vessel, $80,000, and for freight on charter money, $50,000—making	$130 000 00
Alfred Howes claims for loss of primage, money, chests, instruments, &c.	3,000 00
And H. C. Flynn, mate, for wearing apparel, &c	500 00
The Sun Mutual Insurance Company of New York claim as insurers, and by subrogation to the rights of Hartley, Lord & Co	9,000 00
The Columbian Insurance Company of New York claim, as insurers upon cargo of Gliddon & Williams	7,000 00

The ship Crown Point, of 1,098$\frac{88}{95}$ tons burden, duly registered at the port of New York—whereof John N. Grist was master—sailed from New York April 9, 1863, bound for San Francisco, and on the 13th of May, 1863, about seventy miles northeast from Pernambuco, was captured and burned, with her cargo, by the crew of the Florida.

Fuller, Lord & Co., of New York, claim for merchandise lost	$5,280 28
S. Morris, Locke & Montague, of New York, claim for merchandise	1,675 74
The Commercial Mutual Insurance Company of New York claim, as insurers and assignees of John Chadwick, of New York, on merchandise lost	2,000 00
And of Jay L. Adams, of New York, on merchandise lost	2,800 00
The Atlantic Mutual Insurance Company of New York claim, as insurers of cargo, and assignees of Searles & Williams, $315; Weis, Keller & Co., $4,162; Brewster & Co., $625; C. Floyd Jones, $522; Ross, Dempter & Co., $2,137; J. B. Newton & Co., $1,000; U. S. Bancroft, $550; Stephen Prichard, $3,000; Scholle Brothers, $2,600; Kelly, Mott & Co., $854; Robert L. Taylor, $1,200; R. W. Ropes & Co., $300; J. H. Coghill & Co., $1,780; Eugene Kelly, $21,499; E. N. Kellogg, & Co., $812; George Howes & Co., $8,000; Fleisehmann & Cohn, $176; S. Straus, Brothers & Co., $8,500; Freeman & Simpson, $1,300; Charles W. Crosby, $2,091; Underhill & Co., $2,091—making in all the sum of	63,453 00

William Ward Peck, of Brooklyn, New York, claims for goods lost	$1,091 68
Dimon Hubbard, of Malden, Massachusetts, claims for merchandise lost	1,308 98
George J. Brooks & Co., of New York, claims for merchandise lost	415 91
Coffin, Reddington & Co., of New York, claims for goods lost	2,906 92
The Pacific Mutual Insurance Company, of New York, claim as insurers and assignees of John Keys, of New York upon cargo	198 00
Thomas Emery's Sons, of Cincinnati, for merchandise lost	3,534 30
The Metropolitan Insurance Company, of New York, claim as insurers and assignees of Roberts, Morrison & Co., on cargo	1,700 00

The Sun Mutual Insurance Company of New York claim damages by loss of Crown Point, as insurers of merchandise subrogated to Steinway & Sons for	$375 00
And J. M. & J. N. Plumb, all of New York	5,244 00
In all	5,619 00

The Columbian Insurance Company of New York claim, as insurers of freight of Henry Cook	$15,000 00
On cargo, of Neustadter Brothers	4,100 00
L. P. Rose	621 00
Clark & Wilber	3,254 00
L. McMurray & Co.	900 00
Holmes, Goodwin & Co.	7,250 00
Dunbart, Hobart & Co	2,162 00
Clark Wilber	1,272 00
Making	34,559 00

Van Winkle & Dunn, of New York, claim for merchandise lost	$168 77
Coffin, Reddington & Co., of New York, claim for merchandise lost	2,906 92
J. Heller & Brothers, of New York, and M. Heller & Brothers, of San Francisco, claim for goods lost	7,378 59
Lysander Button, of New York, assignee of Robert Blake, of the same place, and in his own right, claims for merchandise lost	1,137 25
James de la Montanya, of San Francisco, claims for merchandise lost	5,590 43
The New England Mutual Marine Insurance Company, of Boston, claims, as insurers and assignees of F. Pierce & Co., on property lost	2,500 00
Of Curtis Peabody on vessel	22,500 00
On reinsurance of Manufacturers' Insurance Company	3,000 00
John Young Wallach, Miles B. Carpenter, Henry C. Parker, and Christian Christianson, of San Francisco, claim for goods lost	1,772 14
David Nichols Hawley, Walter Nichols Hawley, and George Thomas Hawley, of San Francisco, claim for goods lost	6,255 03
John Wesley Britton, Alexander Dunbar, McDonald Kimball, and C. Eldridge, of San Francisco, claim for goods lost	2,491 57
The California Mutual Marine Insurance Company of San Francisco claim, as insurers of goods lost, and as assignees of Camerons, Whittier & Co	3,398 30
And J. R. Coghill & Co	350 00
D. J. Oliver	6,337 00
Joseph Pollock, of New York, and Leopold Pollock, of San Francisco, claim for goods destroyed	932 28
Abraham S. Rosenbaum, Joseph Brandenstein, of New York, and Moses Rosenbaum, of San Francisco, claim for goods lost	6,758 20
H. Cohen & Co., of San Francisco, claim for merchandise lost	5,685 74
John E. Louer, of New York, claims for goods lost	384 00
William Heller, of New York, Louis Sachs and Martin Sachs, of San Francisco, California, claim for goods lost	9,604 61
David Alexander Scrmisen, Robert Seckin Scrmisen, and Daniel Bussier Phillips, of Brooklyn, N. Y., claim for goods lost	307 00

The American schooner Aldebaran, of 189$\frac{11}{95}$ tons burden, duly enrolled at the port of Brookhaven, and afterwards registered at the port of New York—whereof Nehemiah Hand and Robert W. Hand, of Setauket, New York, were the sole owners, and the said Robert W. Hand master—sailed from New York February 27, 1863, laden with a general cargo, and bound for Maranham, and was captured March 13, 1863, about latitude 29° 16′ north, longitude 51° 10′ west, by the Florida, plundered and burned. The cargo was certified to belong to Packenham & Beattie, English merchants at Maranham, and was insured in London.

The owners claim, for value of the vessel	$20,000 00
Stores	500 00

Sail and sail-cloth	$1,698 85
Wages advanced	160 00
Master's personal effects	738 00
Expenses coming home from Scotland	450 00
Other expenses	70 00
In all	24,556 85

The ship Southend Cross, of Boston—whereof Benjamin P. Howes was master—sailed from Bella Vista, Mazatlan, in the Gulf of California, on the 2d of March, 1863, laden with a cargo for New York. On the 6th of June, 1863, she was plundered and burned by the Florida.

The New England Mutual Marine Insurance Company claim, as insurers of Baker & Morrell, on ship $30,000 00

The brig William C. Clark, of Boston, of 328 tons burden—whereof Benjamin R. Redman was master—sailed on June 3, 1864, from Machias, bound, with cargo, for Matanzas; on the 17th June, 1864, in latitude 30° 5′ north, longitude 64° 30′ west, she was captured by the Florida.

The New England Mutual Insurance Company claim, as insurers on said brig, of Pendleton & Rose $5,000 00

The schooner Rienzi, of Provincetown, Massachusetts—whereof Gideon Bowley and Joshua E. Bowley, of Provincetown, were owners—sailed from Provincetown June 1, 1863, on a whaling voyage in the Atlantic, and was captured by the Florida on July 8, 1863, about seventy miles southwest of Martha's Vineyard, and burned, with twenty barrels of oil on board.

For which vessel, stores, and oil, the owners claim damages $8,487 00

The bark Lapwing, of New York, of 590$\frac{11}{95}$ tons burden, duly registered at the port of Boston, Massachusetts—whereof Eben Bacon and William B. Bacon, of West Roxbury, Massachusetts, and Daniel G. Bacon, of New York city, were the sole owners, and James Bolger, master—sailed from Boston March 9, 1863, laden with coal, provisions, and other merchandise, for Batavia and Singapore. On the 28th of March, 1863, about latitude 31° 31′ north, longitude 32° 30′ west, was captured by the Florida, and became a total loss.

The Atlantic Mutual Insurance Company of New York claim, as insurers and assignees of D. G. & W. B. Bacon	$30,000 00
And on $\frac{25000}{25575}$ths of certain merchandise belonging to the same parties	25,000 00
Making, in all	55,000 00

GEORGIA.

The following is an abstract of claims filed in the Department of State for the capture and destruction of duly registered and documented vessels of the United States, by the owners, mariners, freighters, and insurers of such vessels, and of the cargoes thereof, or otherwise interested in such cargoes, or in charter parties for the service of such ships, which ships and cargoes were captured and appropriated or destroyed by the officers and crew of the Georgia, formerly called the Japan, a British vessel, fitted out and manned in British ports:

The Constitution, of 997$\frac{88}{95}$ tons, a ship registered at the port of Philadelphia—whereof Joseph Welsford, of New York city, was sole owner, and Joseph Webster master—sailed from Philadelphia April 27, 1863, laden with coal and bread for Shanghai, China; was captured June 25, 1863, near the island of Trinidad, in latitude 20° 30′ south, longitude 29° 16′ west, plundered, and kept by the captors.

The Mercantile Mutual Insurance Company of New York claim, as insurers upon the said ship and upon freight	$12,500 00
The Columbian Insurance Company of New York, as insurers upon ship and freight	10,000 00
As insurers of Joseph Webster on cargo	3,500 00

The ship Bold Hunter, of 797$\frac{61}{95}$ tons burden, registered at the port of Charlestown and Boston—whereof Paul Sears and Reuben Hopkins, of Boston; Rowland H. Crosby, of West Cambridge; James Smith, of Cambridgeport; Alexander H. Childs, of Barnstable; Solomon, Taylor, of Yarmouth; and William M. Batson, of New Orleans, were owners;

Rowland H. Crosby, master—sailed from Dundee September 10, 1863, laden with coals, and bound for Calcutta; was captured October 9, 1863, about latitude 19° north, longitude 20° 35′ west, pillaged and burned.

The owners of fifteen-sixteenths of the ship claim, for the value of their interest	$50,625 00
The Washington Insurance Company of Boston, as insurers of Grace Batson, on ship	3,000 00
The Sun Mutual Insurance Company of New York, as insurers of the ship and freight	7,000 00
The Columbian Insurance Company of New York, as insurers upon ship	16,000 00

The ship Dictator, of 1,293 tons burden, registered at New York, whereof Charles R. Given was sole owner, sailed from Liverpool April 6, 1863, bound to Hong Kong, China; was captured and burned April 25, 1863, in latitude 25° north, longitude 21° 50′ west.

The owner claims, for value of ship and outfit	$90,390 00
For value of freight	16,180 00

Good Hope.—Jasigi Goddard & Co., of Boston, claim, for destruction of bark Good Hope, the value of the vessel, outfit and cargo, and damages for breaking up of voyage, $110,000 00.

Mr. Adams to Mr. Seward.

No. 1269.] LEGATION OF THE UNITED STATES,
London, September 14, 1866.

SIR: Little has happened this week to vary the ordinary dullness of this season of the year in this city. The only event has been the complete execution of the project of telegraphic communication between the two continents by the recovery of the cable lost last year, and its successful extension to the destined terminus in Newfoundland. This must be recorded as one of the greatest triumphs of naval science and inventive skill yet achieved. As opening the prospect of ultimately sounding the greatest depths of the ocean, it may lead to later developments of ingenuity of which man has never before dreamed, in connection with the relative position of members of the human race.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1270.] LEGATION OF THE UNITED STATES,
London, September 21, 1866.

SIR: * * * * * *

In my despatch No. 1267 I mentioned that in order to save time I had been preparing a note to Lord Stanley, founded on the instructions in your No. 1835, in anticipation of the reception of the summary which was expected by the next steamer, and which it was supposed it would require more time to copy. But finding on its coming to hand that both it and the despatch were in print, I lost not a moment in transmitting one of the two copies to Lord Stanley, with a brief formal note.

At the same time, however, I asked and obtained an interview with his lordship, in order to learn something as to the prospect of receiving an answer at an early day. The result was pretty much what I expected. His lordship said that the subject was one involving such large considerations that he could not assume the responsibility of acting upon it without much reflection and the aid of the deliberation of his colleagues in the government. At this season of the

year they were so much dispersed that it would be difficult to call them together. The Earl of Derby, his father, was either at or on his way to Balmoral, to be in attendance on the Queen, from whence it would not be convenient for him to come to town just now. It was not the practice to resume cabinet meetings until towards the latter end of next month. Hence, if it were not regarded by me as a case of absolute necessity, he should be glad to postpone any response to the paper until that time.

I replied that I had already apprised you of these facts, substantially as his lordship had stated them; for the rest I did not myself presume that an immediate reply was expected. The main purpose was, I suppose, to reopen the subject which had been so abruptly closed by Lord Russell. I trusted that the present government might consider themselves as not foreclosed from doing so, and that thus some result could ultimately be arrived at which would put at rest all further necessity of agitation. I could only express the opinion that on the part of my government there was a disposition to meet any suggestions looking to an adjustment in the most amicable spirit.

His lordship, whilst keeping himself carefully uncommitted, at the same time left upon my mind an impression that he regarded the ministry as not precluded by anything that had gone before from giving the matter careful and anxious reconsideration.

Under these circumstances, and as there is no other business of material consequence in the legation, I have concluded upon taking advantage of the permission kindly granted to me by the President in your despatch No. 1797, of the 7th of July, to spend some weeks in an excursion on the continent. I am the more induced to this by the circumstance that the health of my wife, which has been suffering from the fatigue of the last season, is considered by her medical advisers as absolutely requiring change of air and scene. I purpose to leave this on Tuesday next, the 25th instant, and to remain in Germany or France until about the period when the reply to your despatch may be expected. I do not intend, however, to be at any moment in such a situation as to be out of the reach of early notice, and of the power of prompt return in case of emergency.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Moran to Mr. Seward.

No. 3.] LEGATION OF THE UNITED STATES,
London, September 29, 1866.

SIR: With respect to your despatch No. 1812, of the 24th of July, and Mr. Adams's Nos. 1253 and 1259, I have the honor to inform you that Mr. Heap, the consul at Belfast, whose attention was called to the subject immediately on his arrival at his post, has reported to this legation, under date of the 25th instant, that Mr. Patrick Hasson, who was arrested in Belfast in February last, and imprisoned there on suspicion of being a Fenian, was discharged from custody on the 25th of July, on his stipulating to leave Ireland for America. It appears that he was seen on board ship at that date by the constabulary, with the object of complying with this condition.

I have the honor further to report that there is now no case before this legation of a proved American citizen being in custody in Ireland on suspicion of being concerned in treasonable practices there.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Moran to Mr. Seward.

No. 4.] LEGATION OF THE UNITED STATES,
London, September 29, 1866.

SIR: In the early part of the present week an important meeting was held in Manchester, under the auspices of the Reform League. This organization is but a few months' old, but it possesses much power, and is destined to exert an influence in effecting the political enfranchisement of the lower classes of England, but little less powerful than that wielded by the Anti-Corn Law League twenty years ago, in advancing the principles of free trade. Its growth has been rapid, and the interest it has created in the mind of the masses in favor of an extension of the suffrage is regarded by prominent persons as too serious to be treated with indifference. Indeed, judging from the tone of the opposition or conservative press, there is manifest alarm in the ranks of that party about its success. The pretended feeling of contempt entertained towards it about the time of the Hyde Park riots, has given way to respect. And several of the London newspapers, heretofore disposed to indulge in denunciations of its objects, have assumed a conciliatory style of remark. They are trimming their sails to catch the popular breeze; for but few members of the political parties of the time believe that any public business of importance can be transacted in the next session of Parliament until this question of reform shall have received due consideration. In fact it is pretty generally conceded that an extension of the franchise must be granted. The meeting at Manchester on Monday is considered as simply the forerunner of others of equal consequence in the northern counties of this kingdom. It is believed that in the beginning of the year there will be an expression of the popular sentiment from almost all the large towns in that section of England, as well as from those of Scotland. And this movement on the part of the non-voting masses cannot wisely be opposed. Edinburg will no doubt continue to adhere to her past convictions; but the rest of the country north of the Tweed, and particularly those portions influenced by the great towns of Glasgow, Dundee, and Aberdeen, are thought to be almost certain to take decided ground in favor of the popular movement. There is considerable democratic feeling in Scotland, and this is powerfully encouraged by the preachers.

I transmit copies of several London newspapers containing reports of Mr. Bright's speech at Manchester, as well as editorial comments thereon. These, while tacitly admitting the justice of the popular demand, differ only as to the character of the measure that may ultimately be adopted.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Moran to Mr. Seward.

No. 7.] LEGATION OF THE UNITED STATES,
London, October 6, 1866.

SIR: The dulness of the season has been broken this week by the proceedings at the dinner given at Liverpool to the layers of the Atlantic telegraph cables, and also by a few rather unimportant extra parliamentary speeches, and the assembling of the Social Science Congress at Manchester. The speeches at Liverpool were, as a rule, common-place. That of Lord Stanley is decidedly the best. While it is quite friendly to the United States, it bears traces of

careful preparation, and exhibits his lordship's usual caution. But he is remarkably prudent on all occasions, and seldom says anything in public he has reason to recall. I transmit a copy of his speech, as well as one of Lord Derby's letter, announcing the names of those connected with the enterprise upon whom the Queen has been pleased to confer marks of honor.

Touching the claims of the government of the United States upon that of Great Britain for compensation for the damages caused to American commerce by the No. 290 and her kindred ships, I have the honor to call your attention to a leading article in The Times of the 4th instant, a copy of which is herewith enclosed. Although I have no evidence to sustain the conjecture, the appearance of this editorial so soon after Mr. Adams had communicated a copy of your No. 1835 to Lord Stanley, all knowledge of which paper seems to have been concealed from the public, would appear to indicate that the writer at that time was not ignorant of that document, and that he had been inspired by some one in authority. The public mind is daily being brought to the propriety of taking some step in the direction of an honorable settlement of this difficulty, and it is not improbable that an avowal on the part of the government to adopt such a course would meet with a favorable reception from the nation.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times, October 4, 1866.]

The speech of Lord Stanley at the Liverpool banquet was calculated, and, perhaps, designed, to satisfy us that our relations with the United States are safe in his hands. Those who may have been inclined to distrust the friendly disposition of a conservative foreign secretary towards the American people must have been reassured by the cordial and respectful tone in which he spoke of them, and the earnestness with which he deprecated the "hasty, partial, and passionate criticism" of their institutions which Americans attribute to English conservatives. Lord Stanley is entitled to full credit for sincerity in the expression of these sentiments, for, whatever may be said of his party, no man weighs his words more carefully or betrays less of aristocratic or national prejudice in his comments on foreign affairs. It is with some confidence, therefore, that we invite his attention, as well as that of the public, to a difference of long standing between England and the United States, which, intractable as it seems, may, we are persuaded, be set at rest, if the necessary temper and judgment be brought to bear upon it.

A year has now almost elapsed since the correspondence between Lord Russell and Mr. Adams respecting the so-called "Alabama claims" was laid before the public. It was continued by Lord Clarendon, but soon closed by mutual consent, and the two governments have tacitly agreed to differ about a point which does not admit of being settled by any established principles of international law. Great Britain having declined to refer to arbitration her alleged liability for captures made by the Alabama and other confederate cruisers, and the United States having rejected the counter proposal of a joint commission for the adjustment of other outstanding claims on both sides, the matter remains in abeyance. The American government has not withdrawn its demand, the British government has not receded from its position, yet the friendly intercourse between them has not been interrupted. When the Fenians menaced the Canadian frontier, the neutrality laws were enforced against them with a vigor which does President Johnson the highest honor, and if the prosecutions then instituted against some of the leaders have since been abandoned, we have been quite content to assume that good reasons could be given for his forbearance. On the other hand, it is vain to indulge the belief that our supposed infractions of neutrality during the war have been condoned by the American public. They may or may not support the President in putting down an open defiance of their foreign enlistment act, but they still cherish a sense of injury which found expression in the bill for modifying the provisions of that act, and would make it very difficult to check lawless reprisals on our commerce if Great Britain were unhappily involved in a war. While this state of feeling exists among the American people the diplomatic *entente cordiale* may be imperilled at any moment. The exigencies of party warfare have always influenced the foreign policy of the United States. They are just now peculiarly urgent; the "Irish vote" will probably turn the autumn elections, and the same *motives* which have apparently led Mr. Seward to wink at the transport of warlike stores to

Mexico may possibly tempt and almost force him on some future occasion to revive the dormant Alabama claims. In the mean time, it is admitted on all hands that the obligations of neutral powers in respect of breaches of neutrality which they may have failed to prevent have never been clearly ascertained, while no one ventures to maintain that either our own or the American foreign enlistment act is in all respects satisfactory. Is it, then, inconsistent with our national dignity, or rather is it not at once the most dignified and the most politic course, to reconsider dispassionately the questions arising out of the Alabama case, and the best means of providing against their recurrence? Would such a course be the less honorable or statesmanlike because it might tend to conciliate public opinion in America, and to remove incidentally any grudge which may still be entertained against this country? We venture to submit that it would not, and to suggest, moreover, that no better time could be selected for this attempt than the present, when the grievances of which Mr. Adams complained are neither obsolete nor too recent, when no other source of misunderstanding exists to disturb the fair discussion of them, and when the foreign affairs of this country have lately passed into the hands of a new minister.

The controversy conducted by Lord Russell and Mr. Adams on behalf of their respective governments really turned on a very few and very simple issues. The latter contended that a neutral state is not only bound to prohibit the participation of its own subjects in acts of hostility against either of the belligerents, but responsible for any damage which may result from its neglect or inability to do so. He took his stand on the fact that certain vessels of war in the confederate service had been constructed in British dock-yards, equipped from, if not in, the same ports, manned chiefly by British sailors, and commissioned at sea without having acquired any new character by entering a confederate port. Hence he argued either that our laws were inadequate to restrain abuses of our neutrality, or that they were not properly enforced; and, in either case, he insisted that Great Britain was liable for the consequences. Lord Russell virtually, if not expressly, denied that a neutral state has any duty towards a belligerent except the strict and honest execution of its own municipal laws. He maintained, however, that our foreign enlistment act is sufficient for its purpose, and had been enforced with due diligence as well as in perfect good faith by our government, attributing the unfortunate escape of the Alabama to the want of evidence to justify her detention. To Mr. Adams's tender of arbitration Lord Russell replied that an arbitrator's decision must be founded on a consideration of two questions, neither of which Great Britain could submit to any independent tribunal—the question whether the law officers of the Crown had correctly interpreted a British statute, and the question whether the British government had *bona fide* availed themselves of the powers therein intrusted to them. On these grounds he objected to any judicial investigation of the Alabama claims, either by an arbitrator or even by a joint commission; though he expressed his readiness to concur in the appointment of such commission to deal with compensation cases of a different class. The United States were naturally unwilling to accept an arrangement which would have left open the very point in dispute, and so the controversy ended. Now, without going further into the argument than this, or criticising any one of the historical precedents so copiously adduced in support of either conclusion, we see no insuperable obstacle to a solution which has something in common with Mr. Adams's proposal, and something with that of Lord Russell. Let a joint commission be appointed, not to adjudicate upon the claims preferred against Great Britain by American ship-owners, or to review the transactions connected with the equipment of the Alabama and her consorts, but to deliberate on the rights and duties of neutrals in time of war, as hitherto determined by international law or usage, and to devise, if possible, a set of rules which all maritime nations should be invited to adopt, and to carry out by legislative measures. A commission of this kind should not be exclusively composed of British and American subjects, but should include eminent continental jurists, and should be invested with the amplest possible liberty of recommendation. If, upon a perusal of their report, her Majesty's government shall be of opinion that, under the circumstances, some reparation is due, either in international law or in international equity, to the United States in respect of the ravages of the Alabama, it will not be too late to make it, and no false pride should prevent our doing so with a good grace.

If it be said that Lord Stanley cannot allow these claims to be reopened, even indirectly, without reflecting injuriously on the conduct of his predecessor, the answer is obvious. Mr. Adams's representation to Lord Russell was in the nature of a legal demand, and it was properly met by a legal demurrer. It was practically granted that our law had been violated in the equipment of the Alabama, and that the commercial marine of the United States had suffered grievous injury thereby; but the doubt was whether, in the absence of culpable neglect on the part of our government, there was any remedy against us. This Lord Russell denied, and we have yet to learn that he was wrong in his exposition of the law, while he was certainly right if the precedent of the Portuguese claims on the United States is to be followed. On the other hand, as every one knows, the Alabama would never have got to sea but for the most inopportune illness of the Queen's advocate, and this consideration, though it may clear the government from the charge of neglect, does in some degree affect the moral aspect of the case. The loss sustained by American commerce in consequence may be *damnum sine injuria*, and therefore no ground of a legal action; and yet it may be a wise act of courtesy to waive the benefit of this plea. The time has come when such a

concession is no longer open to misconstruction, and would be accepted by the United States as a spontaneous act of good will. At all events, there can be nothing derogatory to the honor of England in offering to submit her neutrality laws, together with those of the United States, to revision by a mixed commission. No country has more to lose by a lax interpretation of these laws, and justice compels us to acknowledge that, had the United States government connived at their evasion, the Fenian expedition might have inflicted much greater mischief on Canada. This will not be forgotten by Parliament, if it should be hereafter called upon to sanction overtures which may lead to an amicable compromise of the Alabama claims.

Mr. Seward to Mr. Adams.

No. 1855.] DEPARTMENT OF STATE,
Washington, October 8, 1866.

SIR: Your despatch of the 21st of September, No. 1270, has been received. I learn from it with much satisfaction that, in execution of recent instructions from this department, you have, in a proper and becoming manner, called the attention of the British government to the claims of the United States for depredations committed on their ocean commerce by British subjects during the late war.

It is to be regretted that the solicitor's reconsideration of those claims is to encounter some delay. While the President is not disposed to complain of this, he trusts, at the same time, that you will, on all proper occasions, seek to impress her Majesty's government with the conviction of the importance of an early disposition of the question. In all our foreign relations I know of none that transcends it in importance, either to this country, or, in my opinion, to the country specially concerned.

Your contemplated visit to the continent for a brief period is approved.

I am, sir, your obedient servant,

WILLIAM. H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Moran to Mr. Seward.

No 8.] LEGATION OF THE UNITED STATES,
London, October 13, 1866.

SIR: I have the honor to acknowledge the receipt of despatches from the department numbered from 1846 to 1850, both inclusive.

There have been several incidents worthy of note in public affairs during the week. A great reform demonstration took place at Leeds, in the West Riding of Yorkshire, on Monday last, at which Mr. Bright spoke with his usual force. It has called forth much newspaper comment.

The conservative press is severe upon him, according to practice; but certain journals with liberal tendencies which have heretofore been given to indulge in expressions of disapproval of his views, display a willingness to co-operate with him that indicates a conviction on their part of the ultimate success of himself and friends in carrying parliamentary reform.

Mr. Grant Duff's speech to his constituents, at Elgin, is attracting some notice. So far, it is the most elaborate of the extra-parliamentary utterances pronounced this autumn.

For some days past there has been a good deal of talk in club circles about the inefficiency of the foreign enlistment act, and the necessity for amending it. I transmit an article from the Standard of the 10th instant, on this subject, which is not without significance. That newspaper is identified with the tory

party, and, although I cannot say that it is the recognized organ of any member of the present ministry, its known political bias and influence would seem to warrant the belief that it has authority for the announcement that Lord Derby is determined to appoint a royal commission to inquire into the workings of the existing law. The spirit of the article exhibits a feeling of assumed respect for the United States. no one who read the Standard during our great struggle would be disposed to suspect it of entertaining.

If such a commission has been determined upon, it is not unfair to conclude that its conception is to be traced to the recent renewal of the President's desire that the two governments should arrive at an early and satisfactory settlement of the claims arising out of the piracy of the Anglo-rebel cruisers.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Moran to Mr. Seward.

No. 17.] LEGATION OF THE UNITED STATES,
London, October 27, 1866.

SIR: Several influential members of the House of Commons have delivered extra-parliamentary speeches to their constituents this week. That of Mr. W. E. Forster, at Bradford, has attracted the most notice. The question of reform naturally received much of his attention. I transmit a report of what he said, as it appeared in the Morning Star of the 24th instant.

The speech of Mr. Charles Gilpin, in the same newspaper, to his constituents in Northampton, contains a table of facts respecting the inequalities of borough representation, which exposes very clearly the unfairness of the system which now prevails in England.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hunter to Mr. Adams.

No. 1868.] DEPARTMENT OF STATE,
Washington, October 30, 1866.

SIR: I transmit for your information a corrected copy of a note of the 27th instant,* addressed by the Secretary of State to Sir Frederick Bruce, and of an instruction, of the same date, to the United States consul at Toronto, in regard to the trials which are taking place in Canada, of citizens of the United States, charged with participation in the recent Fenian demonstrations against that province.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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* For this enclosure see correspondence with British legation.

Mr. Seward to Mr. Thurston.

No. 99.] DEPARTMENT OF STATE,
Washington, October 27, 1666.

SIR: For your information I enclose a copy of a note of this date which I have addressed to Sir Frederick W. A. Bruce, the British minister here, upon the subject of the conviction and sentence of Jame Lynch and John McMahon, by a colonial court of Canada, on the charge of complicity and participation in the late attack on Fort Erie.

In accordance with the purpose expressed in that communication, you are expected without delay to procure for the use of this department a copy of the record of the trial and conviction of Lynch and McMahon, and also of all further trials and convictions of a similar character which shall take place in Canada, with the least possible delay after their termination.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

D. THURSTON, Esq.,
United States Consul, Toronto, Canada.

Mr. Moran to Mr. Seward.

No. 25.] LEGATION OF THE UNITED STATES,
London, November 10, 1866.

SIR: I have the honor to acknowledge the reception of despatches from the department numbered from 1865 to 1869, both inclusive. Two of these, namely, 1868 and 1869, of the 30th ultimo, were received to-day, in consequence of the rapid run made by the Scotia, which arrived at Queenstown at an early hour yesterday morning.

The inauguration dinner, on the accession of the new lord mayor of London, took place at Guildhall last evening. Lord Derby spoke on behalf of her Majesty's ministers, and I have the honor to transmit herewith a copy of his speech, as printed in the Times of to-day. In this he very clearly intimates that a proposition for the arrangement of the differences with respect to the Alabama claims would be favorably entertained.

I also transmit copies of Blackwood's Magazine for this month, and the Standard of the 5th instant. The old instincts of that journal crop out from the article I have marked; but the confession of wrong done the United States by this country during the war, and the charge that the escape of the pirate Alabama was owing to the neglect of Lord Palmerston's government to perform its duty, when reviewed in the light of Lord Derby's speech, would seem to justify the belief that there is a growing disposition, among all classes of conservatives, to reopen the question of the claims, in order to arrive at its early and honorable settlement.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Moran to Mr. Seward.

No. 28] LEGATION OF THE UNITED STATES,
London, November 16, 1866.

SIR: As illustrating an episode in the history of the loan negotiated here during the rebellion, to aid the insurgents to carry on the war against the Union, I transmit herewith articles which appeared, on the 15th instant, in the columns of the Daily News and the Morning Star. The victims of this enormous fraud,

it would seem, are about to ask her Majesty's government to press their claim on that of the United States as an offset to the righteous demands of American citizens for compensation for the damages sustained by them through the depredations of the Anglo-rebel cruisers.

I suspect this project is, after all, the work of some unscrupulous stock-brokers, backed up by a few equally unscrupulous American adventurers, who aim at making money out of the original subscribers, by leading them on with the hope of thus obtaining the payment of their worthless bonds. But it is not to be supposed, for a moment, that the scheme will receive the countenance of this government.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the Daily News, 15th November, 1866.]

A memorandum from the committee of confederate bondholders states that they are actively engaged in bringing their claims to the attention of government, with a view to a consideration of them, as against or in common with those of the American government in relation to the Alabama and other claims.

[From the Morning Star, 15th November, 1866.]

We have been requested to state "that the committee of confederate bondholders are actively engaged in bringing their claims to the attention of government, with a view to a consideration of them, as against, or in common with, those of the American government in relation to the Alabama and other claims." This is certainly the most wonderful step ever yet adopted by those unfortunate gentlemen who believed in most of our contemporaries during the American war. The bondholders combined in London to subscribe money for the purpose of inflicting injury and damage on the United States, with the view of ultimate profit, should their little game turn out to be a success. Other parties fitted out privateers for the same purpose, and looking to the like reward, and now when our own government is believed not to be indisposed to do what is right in the matter of the Alabama, the bondholders wish to put forward a claim against the United States, because they have lost their money in doing them injury and giving aid and comfort to their enemies. If the United States were to put in an item of several millions in their bill, as representing the injury done them by the confederate bondholders, we could understand it, but for the latter to claim satisfaction against the United States is something altogether unique in the matter of claims. The bondholders should present their old bonds to the writers in the public press, who misled them, as a recognition of their folly, and cease to trouble themselves further about steps which only end in chagrin and disappointment.

Mr. Seward to Mr. Adams.

No. 1875.] DEPARTMENT OF STATE,
Washington, November 16, 1866.

SIR: I transmit for your information a printed copy of an instruction* of the 25th ultimo, addressed to Lewis D. Campbell, esq., our newly accredited minister to the republic of Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

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* For enclosure see correspondence with Mexico.

Mr. Seward to Mr. Adams.

No. 1876.] DEPARTMENT OF STATE,
Washington, November 17, 1866.

SIR: I transmit herewith for your information the copy of a note which, on the 15th instant,* Sir Frederick Bruce addressed to this department regarding the action of the Canadian authorities in the case of the Fenian prisoners who were concerned in the recent raid against Canada.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Moran to Mr. Seward.

No. 29.] LEGATION OF THE UNITED STATES,
London, November 17, 1866.

SIR: Owing to the rapid passage made by the China, I am enabled to acknowledge the reception to-day of despatches from the department, numbered 1870 and 1871, addressed to me by Mr. Hunter, Acting Secretary of State, and dated the 3d instant. Considerable discussion is going on in the newspapers here on the proposal to reopen the Alabama claims and the announcement that the government contemplates the appointment of a royal commission to inquire generally into the operation of the British neutrality laws. I transmit copies of the Times of to-day and the Standard of yesterday, with leading articles upon these questions. They show the tone of public opinion on these important subjects.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

[Telegram per cable.]

DEPARTMENT OF STATE, *November* 29, 1866.

CHARLES FRANCIS ADAMS, *United States Minister at London:*

Disavow and reject, in the name of the United States, the whole arrangement made by Consul Morse and Montgomery Gibbs with Fraser, Trenholm & Co.

Give notice of this to consuls at London and Liverpool and to solicitors, and reply by telegraph.

Also communicate the following to Mr. Consul Morse.

WILLIAM H. SEWARD.

Mr. F. H. MORSE, *United States Consul, London:*

You will come home without delay to make explanations.

WILLIAM H. SEWARD.

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* For enclosure see correspondence with British legation.

CORRESPONDENCE WITH BRITISH LEGATION.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *December* 15, 1865.

SIR: Upon the receipt of your note of the 31st October I forwarded a copy to her Majesty's principal secretary of state for foreign affairs, and I am now instructed by the Earl of Clarendon to express to you the satisfaction with which her Majesty's government have learned the orders issued to the officers of the United States navy consequent on the removal of all the restrictions on the ships of war of the United States visiting British ports.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *December* 22, 1865.

SIR: The reports received by the State Department from the consuls of the United States abroad will, I presume, contain evidence of the unsatisfactory state of the present arrangements for the relief and transportation to their respective countries of American and British seamen who are discharged in foreign ports. The inconvenience is felt in cases where the American seaman has served in a British vessel, and where a British seaman has formed part of the crew of a United States merchant vessel. If no vessel of the nation to which the discharged seaman belongs happens to be in port, it frequently becomes a matter of great difficulty and expense to provide for the return of the distressed seaman to his own country.

In order to obviate the hardships to which seamen under such circumstances are exposed, I am instructed by the government of her Britannic Majesty to propose that the government of the United States shall relieve and send home all British subjects who have become distressed, immediately after having served as part of the crews of United States merchant vessels, and that the British government shall afford the same relief to American citizens who have become distressed immediately after having served as part of the crew of British merchant vessels.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, December 27, 1865.

SIR: I have the honor to state that on the 10th of May, 1862, Lord Lyons addressed a note to this department, remonstrating against the multiplication of consular officers in the British North American provinces, on the part of the United States.

This was followed by a series of obstacles interposed to such appointments by the provincial and imperial governments; objections to confirming such officers

re made sometimes on special, sometimes on general considerations, until on 12th of May, 1864, Mr. Adams, in returning the commissions of seven con-ar agents of the United States, to reside in Canada, informed this department t the British government had definitively declined to recognize them.

In the mean time, to meet the general spirit of the reluctance of the British vernment to receive such officers, an appropriation was made by Congress on 20th of June, 1864, for salaries to them as full consuls, thus making them sonally and directly responsible as such, and requiring of them bonds not to er into trade or commercial business, in which, as subordinate consular agents, y otherwise might have engaged.

In consequence also of the decision of her Majesty's government to decline the ognition of these consular agents, they were directed to cease at once from further exercise of their official duties. Of this action of the government of United States Mr. Adams was instructed to convey to Earl Russell the in-igence, and to solicit the favorable consideration of her Majesty's government. To this arrangement Earl Russell acquiesced in his note to Mr. Adams, dated otember 13, 1864.

The United States consul at Toronto, by a despatch of the 25th of May last, . 35, a copy of which is enclosed, urges the creation of a consular agency at milton, and submits the question of its practicability under existing relations ween the United States and Great Britain upon this subject.

In view of the evident need of such an agent of this government at that point, l of the benefits which may be expected to flow therefrom to the commercial nsactions of the United States and Canada, I beg that you will submit the tter to her Majesty's government, and ask for an expression of their views reupon.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mr. Thurston to Mr. Seward.

35.] CONSULATE UNITED STATES OF AMERICA,
Toronto, May 25, 1865.

IR: I have the honor to inform you that in obedience to your instructions contained in patch No. 21, in relation to the appointment of a consular agent at Hamilton, I have ted that city, and have had an interview with Mr. Swinyard and the leading merchants ıg business there. That there is great inconvenience and expense resulting from the essity of sending to other places for consular certificates there can be no doubt. The olesale trade of Hamilton is really greater than at Toronto, and the fact that there is no sular officer at that port is our reason why shipments of goods are frequently made to United States without certificates, and are permitted entry because the cost of procuring n and detention would add so much to their original value. The merchants and busi-s men of Hamilton are all very desirous that an agent should be appointed.

Ir. Swinyard assured me that the Great Western railroad, of which he is the manager, ered much inconvenience and trouble for the want of one at that port. But acting in ordance with my own views of the necessity of the case, I would have nominated Mr. n D. Irwin, an American citizen, a gentleman almost unanimously recommended by the chants of Hamilton, were it not that the provincial government have, in one or two in-ices, declined to recognize the appointment of the consul general, even at a port where ıad removed an officer and appointed another in his place. As the imperial government e definitively declined also to recognize a consular officer at Hamilton, and as I was di-ed by the department to revoke the commission of the consular officer there when vice-sul general at Montreal, I apprehend that the provincial government will decline to e an agent permission to act at Hamilton. I would, therefore, ask further instructions his matter.

With great respect, I am, sir, your obedient servant,

D. THURSTON,
United States Consul.

Ion. W. HUNTER,
Acting Secretary of State, Washington.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *December* 30, 1865.

SIR: The attention of her Majesty's principal secretary of state for foreign affairs has recently been directed to the question of the payment of the expenses of the maintenance of lunatic British subjects in asylums abroad, in connection with the custom observed in Great Britain with reference to the maintenance of foreign lunatics.

Her Majesty's government consider it very advisable that a distinct understanding should exist between them and foreign governments upon this subject.

In the case of foreigners becoming insane, and being maintained in a lunatic asylum in Great Britain, no claim for their maintenance in that country is made on the government of the country whose subjects they are; and her Majesty's government accordingly propose henceforward to pay the actual cost only of removal to Great Britain of any pauper British subject becoming lunatic while in another country, the expense of the lunatic's maintenance to be defrayed by the country where he has been in confinement, unless under very special and exceptional circumstances.

I am instructed by the Earl of Clarendon to communicate the above statement to the government of the United States, and to invite their concurrence in the proposed arrangement, which is intended to be one of a reciprocal nature.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Sir F. Bruce to Mr. Hunter.

WASHINGTON, *January* 5, 1866.

SIR: On the night of the 10th November last a sentry from the United States gunboat James Adger, Captain John McDeirmid, (which had come alongside one of the wharves at Colon,) was stationed on the wharf, and having entered into an altercation with a native of Jamaica, named George Holmes, shot him dead on the spot.

The authorities of Colon held an inquiry in the case, and having obtained sufficient evidence for instituting criminal proceedings, demanded the surrender of the sentry, in order that he might be placed on his trial; but the United States consul at Colon declined advising the commander of the James Adger to deliver him up, on the ground that the government of the United States enjoys special privileges on the isthmus, and that the local authorities have no right to interfere in the discipline of United States ships of war.

Her Majesty's consul at Panama, Mr. Henderson, called on the President of the State for an investigation of the case, and the punishment of the offender, should it be proved that a crime had been committed. But, as appears by the enclosed correspondence, the President is unable to bring the offender to trial.

I am instructed to call the serious attention of the government of the United States to this case, as her Majesty's government do not doubt that a searching and immediate inquiry will be made, and the requirements of justice fully satisfied.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. W. HUNTER,
Acting Secretary of State.

Mr. Taylor to Mr. Henderson.

BRITISH VICE-CONSULATE,
Colon, November 13, 1865.

SIR: I regret to have to inform you of a painful, though not very unusual tragedy which occurred here on the night of the 10th. A few days ago the United States gunboat James Adger, commanded by Captain John McDeirmid, came alongside one of the covered wharves to coal, when of course a sentry was stationed on the wharf, which I may add is usually occupied by a considerable number of persons as a sleeping place, and on the night indicated it appears that one of those persons was a black man named George Holmes, who, as appears from official papers shown to me, had served twelve years as gunner in the third West India regiment, and was discharged therefrom on the 21st of May, 1860, with a good-conduct certificate, badge, and pension. It further appears that at about 11 o'clock on the night of the said 10th instant, as Holmes was passing along to his bed or sleeping place, the sentry came up to him and asked for some tobacco, which he said he had not got and never used. A demand was then made for cigars, money, &c., which being also refused, the sentry said that Holmes must leave the wharf, which he likewise refused to do. The sentry then used the butt end of his gun to drive him away; but failing to do so he said he would blow his brains out, and then deliberately shot him dead on the spot. I advisedly use the word "deliberately," because I am well informed that there was no accident whatever in the matter.

The prefect has held an inquiry into the case, and, the proof being conclusive, he demanded that the culprit should be given up to the authorities of this country for trial; but this demand, I am informed, both Captain McDeirmid and the United States consul decidedly refuse to comply with.

Permit me to draw your attention to the facts:

1st. That there is no doubt of the crime having been committed by the American sentry, and without provocation.

2d. That it took place on Colombian territory; and

3d. That the wharf has always been used as a sleeping place by any and every one who chooses to occupy it as such; nor is it said that any orders to the contrary were issued on the night of the crime.

I have, &c.,

THOMAS CATHCART TAYLOR.

C. HENDERSON, Esq.,

Mr. Cespedes to Mr. Rice.

[Translation.]

No. 405.] UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF PANAMA,
OFFICE OF THE PREFECT OF THE DEPARTMENT,
Colon, November 11, 1865.

The alcalde of this district, who is at present engaged in the investigation of the occurrence which took place last night—that is to say, the death inflicted by a soldier of the United States ship of war James Adger, and native of Jamaica, by a gunshot—informs me, in an official note, that he requires the said soldier to appear this day at his office for the elucidation of the occurrence in question. I bring this to your knowledge in order that you may be pleased to apply to the captain of the above-named steamer to cause this soldier to appear at the office of the alcalde to make his declaration. It will not be out of place to call your attention to the character of the offence which has been committed on Colombian territory, in order that you may cause the demands of public justice to be complied with.

I am, &c.,

JOSÉ A. CESPEDES.

F. W. RICE, Esq.,
United States Consul, Aspinwall.

Mr. Rice to Mr. Cespedes.

CONSULATE OF THE UNITED STATES OF AMERICA,
Aspinwall, November 12, 1865.

SIR: Your note of yesterday's date has been received, in which you request that a sailor of the navy of the United States, who is said to have killed a man of color, whilst mounting guard over the steamer of the United States James Adger, should be made to appear at the office of the alcalde of the district.

In reply, I have to say that the man is at the disposal of the alcalde whenever he may be required, on the un lerstanding that you will cause him to return freely to his ship after the proposed examination has taken place.

I am, &c.,

F. W. RICE.

JOSÉ A. CESPEDES, *&c., &c., &c.*

Mr. Cespedes to Mr. Rice.

No. 406.] UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF PANAMA,
OFFICE OF THE PREFECT OF THE DEPARTMENT,
Colon, November 12, 1865.

Your official note of this date has been received at this office; its contents have greatly surprised the undersigned. Under our laws, and I believe under those of the whole world, those who commit an offence, whether voluntarily or otherwise, are considered as the accused, and do not make depositions on their trial as witnesses; the undersigned cannot, therefore, give the consul the guarantee which he demands for the soldier. It will not be out of place for the undersigned to observe that it is an ordinary crime that has been committed, and one of the greatest that exists, and that it took place beyond the jurisdiction of the government of the United States, which is limited to cases occurring on board their ships of war, and can in no way be extended to foreign territory. The accused must therefore be tried entirely in conformity with the laws of this country, which is precisely where the offence was committed. The undersigned therefore trusts that the consul will claim the accused from the captain of the James Adger, in order that he may be delivered over to the competent judge for his trial.

I am, &c.,

JOSÉ A. CESPEDES.

F. W. RICE, Esq.,
United States Consul, Aspinwall.

Mr. Rice to Mr. Cespedes.

CONSULATE OF THE UNITED STATES OF AMERICA,
Aspinwall, November 13, 1865.

SIR: I have received your second note, dated yesterday, on the subject of the late unfortunate accident referred to in your first note, in which you stated that "the sailor was required to appear before the alcalde to make his declaration." On reading your first note hurriedly I did not understand, nor am I now certain after reading it more attentively, that you desired the sailor to appear at the alcalde's office in the character of a criminal. This was the reason of my misinterpretation of its meaning as shown by your note of yesterday. I will now present your application to the captain of the James Adger, but I cannot advise him to surrender the sailor in the character of a criminal. He was, when the accident took place, in the discharge of his duties and acting under the orders of his officers. The ship was taking in coal at the wharf, and in virtue of the special privileges enjoyed on this isthmus by the government of the United States the local authorities have no right to interfere in the affairs or discipline of our ships of war while they may be at the wharf or at their anchorage. I repeat that if the prefect desires to elucidate the matter with a view to reporting the facts to his government, the commander of the James Adger will not have the slightest objection to his obtaining the information he requires on oath from any of the crew who were witnesses of the occurrence alluded to in his note.

I am, &c.,

F. W. RICE.

JOSÉ A. CESPEDES, *&c., &c., &c.*

Mr. Cespedes to Mr. Rice.

UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF PANAMA,
OFFICE OF THE PREFECT OF THE DEPARTMENT,
Colon, November 13, 1865.

The prefect acknowledges receipt of your official note of this date. When he addressed to you his first note in regard to the deed committed by the soldier belonging to the James Adger, he said that the man was required to appear to make his declaration; this was the declaration which every officer charged with the preliminary proceedings receives, not on oath,

from the accused parties. The prefect is of opinion that the consul is perfectly acquainted with this form of proceeding, for it is that in force in all nations, and he was therefore much surprised at receiving the consul's note of yesterday's date, and replied to it that "by our laws, and I believe by those of the whole world, those who commit a crime voluntarily or otherwise are considered as the accused, and do not make depositions on their trial as witnesses; the undersigned cannot, therefore, give the consul the guarantee which he demands for the soldier."

The prefect is now made aware that although you will apply to the commander of the James Adger for the criminal, you will not advise his surrender as such. The remark you make in justification of the proceeding, which resulted in the killing of a man, is extremely weak and barely merits refutation; you will nevertheless agree that the sentry ought not to have fired on the Jamaica man, for it is certain that he could not have been ordered in the discharge of his duties to kill any one, but simply to watch over the property which was on the wharf belonging to the ship.

The citizen President of the State will this day be informed of this unfortunate occurrence, in order that he may take cognizance of it.

JOSÉ A. CESPEDES.

F. W. RICE, Esq.,
United States Consul, Aspinwall.

Lord Clarendon to Sir F. Bruce.

Communicated by Sir F. Bruce, February 8, 1866.]

FOREIGN OFFICE, *January* 19, 1866.

SIR: In my despatch No. 68, of the 26th ultimo, I transmitted to you a copy of a despatch addressed to Mr. Adams by Mr. Seward, and which had been communicated to me by the former, protesting against the course pursued by her Majesty's government with regard to the Shenandoah.

Her Majesty's government have had this despatch under their consideration in communication with the proper law advisers of the Crown, and I have now to state to you that it is impossible for her Majesty's government to avoid expressing their surprise and regret at the tone and style which throughout characterize it. The despatch imputes to her Majesty's government in plain terms a determination to disregard "applications for justice" made by the United States government, and an intention to shelter from the punishment due to their offence persons known to be guilty of piracy.

Her Majesty's government think that, by not replying to this extraordinary and unfounded charge, they shall best consult their own dignity and exhibit their desire to maintain friendly relations with the government of the United States.

With respect to the proofs stated to have been furnished to her Majesty's government of the alleged guilty practices of the Shenandoah, and the statements as to the nationality of her crew, I have to make the following observations:

Mr. Seward, in his despatch, while dwelling only upon the crime of piracy, which he assumes to have been committed by the commander and crew of the Shenandoah, says that the alleged offenders, when under the power of her Majesty's government, obtained their "discharge and unconditional enlargement" upon two grounds: First, that her Majesty's government had in their possession no evidence to impeach a prevaricating plea of the commander; and, secondly, that none of those persons were subjects of Great Britain; "whereas," he says, "upon evidence, which seems to this government entirely conclusive, all the offenders were either native subjects of the Queen, or *had become, by some sufficient form of refuge or domiciliation, amenable equally with native subjects to the penal laws of the realm.*"

Mr. Seward cannot be ignorant that her Majesty's government have never alleged the fact that none of these persons were shown to be subjects of Great Britain, as a reason for not prosecuting them for *piracy*. Foreigners guilty of

piracy are as much amenable to the tribunals of this country as natural-born subjects. It was only with reference to a very different question, namely, whether any charge could be made under the foreign *enlistment act*, that the nationality of these persons was, or was ever alleged to be, material. That question of course depended upon the words of the particular statute under which the enlistment abroad or on the high seas of persons who had become, by any "form of refuge or domiciliation," or otherwise, amenable to British laws while in this country, would not be an offence, unless they were "natural-born subjects of her Majesty."

Mr. Seward does not commit himself to the assertion that her Majesty's government were in possession of evidence to show that any of those persons who formed the crew of the Shenandoah when she arrived at Liverpool were natural-born British subjects; and, as a matter of fact, it is certain that her Majesty's government were not in possession of such evidence, nor could such a fact be presumed in the absence of evidence, against individuals coming to Liverpool on board a confederate ship of war, and not shown to have enlisted within her Majesty's dominions.

To return to the first ground, the only material one, as to the charge of piracy, upon which her Majesty's government is, and so far truly, said to have acted; whether Captain Waddell's statement was or was not open to the charge of prevarication brought against it by Mr. Seward, it was not in the power of her Majesty's government to detain any of those men without laying an information against them before a magistrate in the ordinary course of law, and supporting it by at least some *prima facie* evidence. The simple fact is, that there was no such evidence. But Mr. Seward says, (1) that every part of the unlawful transaction complained of had occurred either in British ports or on the decks of the Shenandoah, *herself a British vessel*, (2) that all these transactions had been fully made known to her Majesty's government, and (3) that any parties who could give the necessary testimony for the conviction of the pirates were not only within British jurisdiction, but actually within custody of agents of her Majesty's government.

Each of these propositions must be separately examined. The first seems to her Majesty's government to imply that Mr. Seward's charge of piracy against the Shenandoah is not founded upon the alleged continuance of hostilities by Captain Waddell after he had received notice of the termination of the war, but that he designates as piracy all the captures made by that vessel during the whole course of the war, and endeavors to support that pretension by the allegation that she was throughout "*a British vessel.*" To this it is enough to say, that such a view is opposed either to universally acknowledged principles of law, or to notorious and indisputable facts: to universally acknowledged principles of law, if Mr. Seward means to contend that the commander and crew of a vessel commissioned as a public ship of war by a revolutionary government which has been recognized as a belligerent power by neutral nations, can be charged in a neutral country with piracy, merely for capturing and destroying the ships of the other belligerent; to notorious and indisputable facts if he means to deny that the Sea King was transferred and delivered by former British owners and commander to agents of the Confederate States, by whom she was purchased, in order that she might be employed and commissioned by and in the service of those States, or that she was actually so employed and commissioned as a public ship of war, under the name of the Shenandoah, from a period antecedent to the first capture made by her down to the close of the war. It cannot be too distinctly understood that no charge of piracy could possibly be preferred or entertained against this vessel under these circumstances by her Majesty's government, or in the courts of this country, unless it had been satisfactorily shown that this ship wilfully continued to seize and destroy United States vessels after she was apprised of the termination of the war. But there

is a further answer to the allegation that the Shenandoah is to be regarded as having been, while making war upon the United States, "a British vessel." When she arrived at Liverpool, Mr. Adams, on the 7th of November, 1865, requested her Majesty's government to take possession of her, "with a view to deliver her into the hands of his (the United States) government," taking notice at the same time of the "belligerent character" which, "in the eyes of her Majesty's government," she had possessed, though suggesting that there might be grounds for taking criminal proceedings against the persons on board, either because "her ravages" appeared to have been continued after her claim to a belligerent character had, at all events, ceased, or because several of those persons were "British subjects." Her Majesty's government having received from Captain Waddell the possession of this ship, surrendered by him expressly for the reasons alleged in his letter of the 6th of November, 1865, namely, that "as all the property of government had reverted by the fortune of war to the government of the United States of North America, therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted," complied with Mr. Adams's request, and delivered up the ship to the agents of the United States government, at the same time sending Mr. Adams a copy of Captain Waddell's letter. Mr. Adams, in a letter dated the 14th of November, 1865, stated that the consul of the United States at Liverpool had taken charge of the vessel under his instructions, and added, what has unfortunately not been verified by the event, that he entertained no doubt that the promptness of this proceeding would give great satisfaction to his government.

It is hardly necessary for me to point out to you that Mr. Adams's request for the delivery of this ship to the United States government could neither have been made or complied with except upon the ground that she was, in the circumstances which had happened, the lawful property of that government. If she had been British owned, as Mr. Seward now desires to represent, the government of the United States could have had no possible claim or title to her, even though she might have been guilty of piracy; nor could the Crown of Great Britain have acquired any title to or disposing power over her, by means of any surrender of Captain Waddell in the port of Liverpool, or by any other means short of a regular forfeiture and condemnation by process of law.

To Mr. Adams, when he made the request, all this was of course perfectly well known, and he also knew, if not otherwise, at all events from the proceedings before Vice Chancellor Wood, in the case of The United States *vs.* Prioleau, taken by his own direction, that the government and the courts of this country must necessarily recognize his government as entitled to the property in this vessel on the ground stated by Captain Waddell, namely, that she had been acquired and was possessed as public property by the persons who during the war had exercised the powers of government in the Confederate States; a ground which, I may add, was also distinctly recognized by the judge of the United States prize court in the case of the Wren. Her Majesty's government were at the time entitled to assume, and they did so assume, that this request was made upon this ground, on which alone it could be supported, and after having so obtained the delivery of the vessel, it certainly does not seem to her Majesty's government to be consistent in the government of the United States to deny that she was a public ship of war belonging to and commissioned by the revolutionary government of the Confederate States.

I have dwelt so much upon this point because it seems to be that upon which Mr. Seward really relies. I now proceed to examine his second statement, namely, that "all the transactions," supposed to make out a case of piracy against the Shenandoah, had been, "before the crew were released at Liverpool, fully made known to her Majesty's government." This confirms her Majesty's *government in* their impression that Mr. Seward does not mean to rely upon

the allegation that the Shenandoah continued her ravages after she was apprised of the termination of the war. For the fact is, that the only particulars with respect to any capture or captures made by the Shenandoah, at any date or dates subsequent to the termination of the war, which had ever before that time been communicated to her Majesty's government, either by Mr. Adams or in any other manner, were contained in the documents relating to the capture of the William C. Nye, on the 26th of June, 1865, which were forwarded with Mr. Adams's letter to Earl Russell of the 21st of October last, and of which I now enclose copies. These documents, however, which included the protest of the master of the William C. Nye, made at San Francisco on the 7th of August last, are absolutely silent as to any notice or knowledge of the termination of the war, either by the captors or by the master and crew of the William C. Nye, or by any of the persons met by them on board the Shenandoah, who had belonged to the crews of vessels previously captured.

This seems to her Majesty's government to be very strong negative evidence that the termination of the war was not, in fact, known at the time when, and in the seas where, this capture took place. But whether that be so or not, these documents certainly did not put her Majesty's government in possession of any evidence showing, or tending to show, that the crime of piracy had been committed. There remains only Mr. Seward's third statement, that "any parties who could give the necessary testimony for the conviction of the pirates, were not only within British jurisdiction, but virtually within the custody of agents of her Majesty's government." As Mr. Seward has not explained to what persons he here refers, I can only say, that the existence of persons able to give such testimony was not then known or indicated to her Majesty's government; and if it was then known to the minister or any other agent of the United States in this country, it was not communicated by them to her Majesty's government. If Mr. Seward means that some of the persons forming the crew of the Shenandoah could themselves have given available evidence for the purpose, it is hardly necessary to observe that no such evidence was offered, or known to be available; and that it is not consistent with our usual method of administering justice to endeavor to extract from persons suspected, even on probable grounds of crime, admissions capable of being used against themselves.

Her Majesty's government have no further comments to offer upon this despatch, except to repeat what they have formerly stated, that if the agents of the United States in this country, or any other persons, were in possession of evidence on which a charge of piracy against the officers and crew of the Shenandoah could have been supported before a magistrate, it was competent for them to have themselves preferred such a charge, and to have obtained a conviction thereon in due course of law.

You will read and give a copy of this despatch to Mr. Seward.

I am, &c., &c.,

CLARENDON.

The Hon. Sir FREDERICK BRUCE, G. C. B., *&c.*, *&c.*, *&c.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *February* 7, 1866.

SIR: Sir Henry Parkes having reported to her Majesty's government the proceedings which he had adopted last November, in concert with the representatives of the other treaty powers, in order to secure the settlement of the questions now at issue in Japan, I am instructed by her Majesty's principal secretary of state for foreign affairs to express to the government of the United States the satisfaction of that of her Majesty at the cordiality with which the representatives

of Great Britain and the United States co-operate in a matter of such great importance to the two countries.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 7, 1866.

SIR: Referring to your communication of the 5th of January last, and to the reply of the 17th of that month from this department, in regard to the alleged improper conduct of a sentry from the United States gunboat, James Adger, I have the honor to inform you that in a letter of the 5th instant, from the Secretary of the Navy, it is stated that a naval court of inquiry has been organized and ordered to proceed to Aspinwall, (or Colon,) to convene on board the James Adger, February 17, 1866, or as soon thereafter as practicable, for the thorough investigation of the case in question. The court will take the testimony of any witnesses which her Majesty's government may desire to have brought before it, and any agent whom they may authorize will be received by the court to take part in the examination.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 9, 1866.

SIR: I have submitted to the President of the United States the copy of the paper which you read to me yesterday, and which was a despatch concerning the Shenandoah, which was addressed on the 19th ultimo by Lord Clarendon to you. I have the honor to say in reference to the matters therein discussed, that the views which Lord Clarendon has expressed have not been effectual in changing the conviction which this government has already announced thereupon. It has been the purpose of this government to withdraw from correspondence concerning the class of cases to which the Shenandoah belongs. We have understood the British government as having adopted the conclusion that further discussion at the present time would be unprofitable.

We have not the least objection, however, to the addition of Lord Clarendon's present explanation to the record.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 10, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 7th *instant, in which* you state that you have been instructed by her Majesty's prin-

cipal secretary of state for foreign affairs to make known to this government the satisfaction with which her Majesty's government have learned the cordiality existing between the representatives of Great Britain and the United States while acting in concert with those of the other treaty powers, with a view to secure the settlement of the questions now at issue in Japan, and to inform you in reply that this appreciation will be made known to the representatives of the United States at Japan.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *February* 13, 1866.

SIR: In the course of the discussions which have taken place between Great Britain and France on the notice to determine the treaty for the extradition of criminals reference has been made to the working of the extradition treaties between France and the United States—the French government contending that they can obtain the extradition of criminals from the United States with greater facility than from Great Britain.

As the treaties, and the legislative acts passed in the two countries to give them effect, are substantially identical with respect to the proof required of the crimes alleged, her Majesty's government are anxious to ascertain under what circumstances this alleged difference in the practical results of the treaties has grown up, and I am instructed to request you to be good enough to furnish me with information as to the construction the government of the United States puts on the provisions of the extradition treaties, and as to the requirements of the judges or commissioners of the United States, compliance with which is indispensable to the surrender of criminals.

I enclose herewith extract of a letter from the chief magistrate at Bow street, London, which states precisely the evidence required by the British magistrates, and her Majesty's government wish to ascertain whether the judges in the United States require less evidence in such cases.

I am further directed to inquire whether the government of the United States consider the extradition treaty with France as binding them to give up persons convicted in France, either after trial, or by the procedure known as conviction "*par contumace*," and who may have escaped from the consequences of conviction. Her Majesty's government would be glad to ascertain the views of the United States, were a proposal made on the part of France to include such persons in a new extradition treaty.

I shall feel much obliged for any information you can give me on these points at an early date, as the subject is now under discussion between Great Britain and France, and an accurate knowledge of the practice and views held with respect to extradition by the United States will have much weight in arriving at an arrangement.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract of a letter from the chief magistrate at Bow street to the under-secretary of state for the home department, dated January 15. 1866,

The requisite evidence would be—

1st. The production of a warrant of arrest, issued by a "competent magistrate" in France, setting forth the crime charged.

2d. A certified copy of the depositions taken before the said magistrate, and which must contain proofs of the criminality of the accused.
3d. A witness who could identify the accused.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *February* 16, 1866.

SIR: As the reciprocity treaty is about to expire, I am anxious to report in a formal shape the disposition of the government of the United States with reference to the important question of its renewal, and I therefore submit for your consideration the following proposals, which embody the views of her Majesty's government with respect to it.

Her Majesty's government have seen with much satisfaction the increase of the trading relations between the United States and the British provinces which has grown up under the treaty, and the beneficial results of the stipulations it contains, by virtue of which each contracting party enjoys the uninterrupted use of the facilities of transport to the seaboard possessed by the other, and participates side by side in the fisheries without restriction or interference.

Her Majesty's government would be well content to renew the treaty in its present form.

At the same time they are ready to reconsider the treaty in conjunction with the government of the United States, if such a course would be agreeable to them, and so to modify its terms as to render it, if possible, more beneficial to both countries than it has hitherto been.

If the government of the United States should feel disposed to adopt the latter course, an arrangement of a provisional character might be entered into with a view to afford time for fresh negotiations, and I should take pleasure in submitting to the consideration of my government any proposal to that effect which you might do me the honor to communicate to me.

I have the honor to be, with the highes tconsideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *February* 16, 1866.

SIR: Her Majesty's government have received latterly accounts of the great increase of piracy on the coast of China. The pirates possess heavily armed and fast sailing loochos manned by Chinamen of desperate character, and not unfrequently assisted by foreigners. They no longer confine their attacks to the small and defenceless class of junks, but attack the largest sized junks, and even European vessels.

The aggregate foreign trade with China does not fall short in value of one hundred millions sterling, and a large amount of foreign shipping is employed in the coast trade. These great interests are exposed to constant risk and interruption by the operations of the piratical squadrons.

The Chinese government bound itself by treaty with Great Britain to concer measures for the suppression of piracy, and her Majesty's government exert their strongest influence at Peking to induce the Chinese government to act up to its engagements in this respect. A considerable naval armament is, moreover, as you are aware, employed on the coasts of China to keep the pirates in check.

Her Majesty's government are desirous in this, as in all other matters of common interest affecting the foreign relations of China, to act in concert with the treaty powers; and as the United States are largely interested in the suppression of this evil, which threatens the commerce of all alike, I am instructed to bring the subject under the notice of the government of the United States.

Her Majesty's government believe that the united action of the United States and Great Britain would be productive of the best results, and I beg to suggest for your consideration the expediency of instructing the representative of the United States in China, and the naval commander on that station, to act in concert with her Majesty's minister at Peking, in urging the Chinese government to take active measures for the eradication of piracy and to co-operate with the British admiral in measures calculated to put it down.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
WASHINGTON, *February* 16, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 30th of December last, in regard to the maintenance of lunatics, and proposing the return to Great Britain of any pauper, British subject, becoming lunatic while in the United States, the expense of such lunatic's maintenance while in this country to be defrayed by the United States, her Majesty's government paying the actual cost of removal, and that such an arrangement should be reciprocal in its character.

In reply I have the honor to state that, upon inquiry, I find no record of any claim having been presented by this government in its own behalf or that of any State, municipality, or corporation, for the expenses of maintaining lunatic subjects of Great Britain, or any other power. The case of lunacy belongs to the several States. The federal government has no lunatic asylums, except for the army and navy, and for the District of Columbia. And it seems inexpedient to enter into any arrangement on the subject. I shall, however, give notice to the State authorities of the course proposed by her Majesty's government, for their information, and with a view to such arrangements may seem to them to be called for, if upon further consideration her Majesty's government desire it.

I would suggest, however, that the communication of your note to the State authorities may be construed as an invitation to send to England any pauper, British subject, becoming lunatic in this country, and, from the ambiguity of the expression, "any pauper, British subject," lead to proceedings which might prove objectionable. There seems to be some uncertainty as to whether this includes all persons who, though domiciled in this country, have not abjured their British allegiance, or is to be restricted to travellers and temporary sojourners.

Awaiting any further suggestions which you may offer on the subject, I have the honor to be, sir, with the highest consideration, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 17, 1866.

SIR: I have the honor to acknowledge the receipt of a note which you addressed to me on the 16th instant, concerning a proposed extension of the reciprocity treaty. Perhaps I could not reply in any other manner more satisfactorily than I shall now do, by stating anew the verbal explanations which I have had heretofore occasion to make to you upon that subject.

The character of the constitutional distribution of public affairs amongst the different departments of the government is well known. It confides commerce and national finance expressly to the legislature.

The now expiring reciprocity treaty constitutes almost the only case in which the executive department has by negotiation assumed a supervision of any question of either commerce or finance. Even in that case the executive department did little more than to make a treaty, the details of which had been virtually matured beforehand in the Congress of the United States, and sanction was given to the treaty afterwards by express legislation. The question of continuing that treaty involves mainly subjects of the special character which I have before described.

Careful inquiry made during the recess of Congress induced the President to believe that there was then no such harmony of public sentiment in favor of the extension of the treaty as would encourage him in directing negotiations to be opened. Inquiries made since the reassembling of Congress confirmed the belief then adopted that Congress prefers to treat the subject directly, and not to approach it through the forms of diplomatic agreement.

In accordance with this conviction all communications, verbal and written, upon the subject, have been submitted to the consideration of the proper committees of Congress, and the question of extending a system of reciprocal trade with the British provinces on our frontier awaits their decision.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *February* 19, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in reply to mine of the 30th December, on the expediency of a reciprocal arrangement between the United States and Great Britain, for the maintenance and transport hence of pauper lunatics of the two countries.

The observations contained in it, on the authority to make such arrangements being vested in the individual States composing the Union, and on the necessity of defining clearly the persons designated as "British pauper lunatics," seem to me well worthy of consideration, and I venture to request you to take no further steps in the matter until I have had the opportunity of drawing the attention of my government to the statements in your note, a copy of which I forward by this opportunity.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 21, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in regard to co-operative measures for securing the suppression of piracy in Chinese waters, and, in reply, to inform you that the diplomatic representative of the United States in China, and their chief naval officer, will be instructed to co-operate, so far as they properly can, with those of other western powers, towards the ends indicated in your note.

I have the honor to be, with high consideration, sir, your obedient servant,

FREDERICK W. SEWARD,
Acting Secretary.

Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. F. W. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 23, 1866.

SIR: With reference to your communication of the 13th instant, inquiring, at the instance of your government, for information in regard to the interpretation of an extradition treaty with France, with the judges and commissioners in our country, and whether the United States government consider themselves bound under their present treaty with France to deliver up persons convicted in that country, either after trial, or by the procedure known as conviction *par contumace*, and who may have escaped from the consequences of conviction, I have the honor to enclose for your information upon these subjects a copy of a letter from the district attorney for the southern district of New York, of the 20th instant, together with three printed copies of the act of Congress of June 22, 1860, therein referred to.

I have the honor to be, with the highest consideration, sir, your obedient servant,

F. W. SEWARD.
Acting Secretary.

Hon. Sir FREDERICK W. A. BRUCE., &c., &c., &c.

Mr. Dickinson to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, February 20, 1866.

SIR: I have the honor to acknowledge the receipt of your communications dated, respectively, on the 13th and 15th instant, enclosing certain questions in reference to the practical working of the extradition treaty between France and the United States, with the request that I would endeavor to have the same answered.

I have carefully considered the subject referred to, and have conferred with the United States commissioners in this district, who have most frequently had occasion to exercise their magisterial powers for the purpose of returning criminals under the various extradition treaties with foreign countries, and have examined such adjudications on the questions at issue as are reported in the books.

The following is the result of my inquiries:

A simple *mandat d'arret*, or *capias*, issued by a French *juge de paix*, does not entitle the French government to the extradition from this country of a person accused of a crime provided for by the treaty.

The proceedings which must be taken here to enable the French authorities to obtain the extradition of such a person are:

1. A complaint made under oath or affirmation, before an officer vested with the requisite authority, charging such person with having committed within the jurisdiction of the French

government a crime enumerated in the treaty. On this complaint a warrant is issued for the apprehension of the accused.

2. On the accused being brought before the magistrate, such evidence must be presented as would be deemed sufficient by that officer to commit him for trial if the crime had been committed here.

This evidence may consist of parol testimony or copies of the depositions and other papers, upon which an original warrant may have been granted in France, legally authenticated, so as to entitle them to be received for similar purposes in that country.

3. The parol evidence of a witness who can identify the accused.

Written depositions may be admitted in evidence, without parol evidence, where their authentication is attested, as provided by the act of Congress approved June 22, 1860. (12 Stat at Large, p. 84, sec. 1.)

There is nothing, however, in the statute to prevent their attestation by parol.

The commissioners whom I have consulted do not consider that the extradition treaty with France would warrant them in giving up escaped convicts who had been convicted either after trial or *par contumace*, merely, on the record of their conviction. They would require the same evidence in such cases as if the accused had not been convicted.

In this view of the law I concur with the commissioners, nor would I deem it good policy for the government to include the return of such persons within the provisions of an extradition treaty on any other basis.

The return of persons whose presence for other reasons might be desired in a foreign country, could be secured with much ease if the record of a conviction *par contumace* was sufficient for that purpose.

I have the honor to be, sir, your most obedint servant,

D. S. DICKINSON,
United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, March 6, 1866.

SIR: Referring to your note of the 16th ultimo, and to my reply of the 21st of the same month, on the subject of suppressing piracy in the Chinese waters, I have the honor to state that this department is informed, by a letter of yesterday's date from the Secretary of the Navy, that Acting Rear-Admiral Henry M. Bell, commanding the East India squadron, has been instructed to act in concert with other powers to the end proposed, consulting with the United States minister to China, and the commander of her Britannic Majesty's forces in Chinese waters, on the subject.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *March* 7, 1866.

SIR: Her Majesty's consul for the State of Maryland has forwarded to me copies of a correspondence between himself and the United States district attorney at Baltimore, on the jurisdiction which can be exercised by the authorities of the United States in cases of mutinies occurring on board British merchant ships in American waters.

The circumstances, which unfortunately are of frequent occurrence, which led to Mr. Bernal's application, are the following:

The British bark Campsie cleared from Baltimore on November 16, 1865, and dropping down Chesapeake bay, came to an anchor about ninety miles

below. The following morning the men refused to weigh the anchors, and declared they would not go to sea in the vessel. They had no specific complaint to make, or reason to give for their refusal, but they had shipped for the run across at forty dollars a month, and *had received fifty dollars advance.*

The captain hailed a passing steamer and came up to Baltimore to apply to Mr. Bernal for assistance to enable him to overpower and iron the men, and get his anchors weighed, as then, with the assistance of the mates, he could set his sails and get out to sea, when the sailors would have to turn to their work.

Mr. Bernal's first application was to the custom-house, but their revenue cutter was absent. He then sent to the United States marshal, who consulted the district attorney, and the latter sent him word that he should have assistance if he could show him "any treaty." The municipal police could give no aid, since it was entirely out of their jurisdiction, even if they were disposed to interfere. Mr. Bernal therefore counselled the captain to go down to Fortress Monroe and see if the naval authorities would help him. He, however, returned to his vessel, and a revenue cutter coming in sight he signalled for assistance, and an armed boat's crew was sent on board. Mr. Bernal subsequently met the lieutenant who was sent, and who told him he never saw such a set of ruffians. They broke seventeen pairs of irons before he could secure them, and they tried to seize his boat. He took the vessel into Norfolk, and the nine mutineers were put in jail. The vessel lay there some days, but finding there was no chance of the men being put on trial, the master sailed for Ireland. Four of the men becoming penitent, and sailors being extremely scarce, he took them on board, shipping fresh men in place of the five he left behind, for whom he left sufficient money to pay their jail fees for ten more days. At the expiration of that time, the judge of the circuit being absent, the men were set at liberty. The United States district attorney at Norfolk has since informed Mr. Vice-Consul Myers that Judge Underhill has given his opinion that he would have had no power to try these men.

On the 26th ultimo the bark Kathleen cleared from Baltimore, and after proceeding about fifteen miles the very same thing occurred. The ringleader in this instance was also the ringleader of the mutiny on the Campsie, and one of the five men left in jail at Norfolk.

It appears that there is an organized gang of men who practice their old game of "bounty-jumping" by shipping as sailors, receiving their advance, and then deserting or refusing to work.

The application for redress was made fruitlessly as before, and finally the master shipped a new crew and procured some strong police irons in order to carry the worst of the mutineers over to England.

Mr. Jones, in his letter to the consul, dated January 18, 1866, seems inclined to hold that the United States authorities in such cases might interfere at the request of the consul, but he suggests that the point should be referred to Washington, and accordingly I have the honor to call your attention to the question stated in Mr. Bernal's letter of the 4th January, as to the remedy or protection existing in the event of a mutiny occurring on board a British merchant vessel in American waters.

From the reports of various consular officers it appears that the evil is one of considerable magnitude and injurious to commerce, and that it is most desirable that seamen should not be allowed to commit these mutinous acts with impunity.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Bernal to Mr. Jones.

BRITISH CONSULATE FOR THE STATE OF MARYLAND,
Baltimore, December 29, 1865.

SIR: Repeated cases are occurring of mutiny on board British merchant vessels clearing from this port. A set of men are making a business of shipping themselves, receiving their advance, and then obstinately refusing to do their duty as sailors.

They count on the inability of captains to remain here to prosecute them, and on the chance of their consequently escaping unpunished. I need not point out to you that not only is a serious loss and injury inflicted on these particular vessels, but the whole shipping community are likely to become sufferers by an evil which is sure to increase in proportion to the impunity which may attend its progress. Some weeks ago a mutiny occurred in Chesapeake bay on board the British bark Campsie, and was only quelled by the most determined measures taken by the captain of a United States revenue cutter which fortunately happened to come up. On my applying, in the early stage of the affair, to the United States marshal for assistance to enable the captain to overpower the mutineers, I received word, as I understood, from you that it should be given if I could show that it was provided for in the treaty. I believe that international comity requires no treaty in cases of this kind. Be this as it may, my present object is to ask you to be good enough to inform me if I can look to the United States officials for assistance should I unfortunately require it at any future time for a similar purpose, and also, when the captain of the vessel cannot remain to prosecute, whether there would be any means of getting such mutineers punished.

I have, &c.,

FREDERICK BERNAL.

W. J. JONES, Esq., *United States District Attorney, Baltimore.*

Mr. Jones to Mr. Bernal.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo in reference to mutineers upon British ships clearing from this port.

I shall take very great pleasure in rendering every assistance in my power, and which I am authorized to render by the acts of Congress.

I refer you to the act of Congress approved June 11, 1864, chapter cxvi, page 121, 13 Statutes at Large, for the law regulating the subject.

I am, &c.,

W. J. JONES,
United States District Attorney for Maryland.

FREDERICK BERNAL, Esq.

Mr. Bernal to Mr. Jones.

BRITISH CONSULATE FOR THE STATE OF MARYLAND,
Baltimore, January 4, 1866.

SIR: I beg to thank you for your communication and for the expression of your willingness to do all the law empowers you in regard to mutinies occurring on board British merchant vessels. I have examined the act of Congress of June, 1864, referred to by you, and find that it is almost a repetition of the act of March 2, 1829. There is no special consular convention between Great Britain and the United States, but the enclosed paragraph taken from Wilmer & Smith's European Times relative to the proceedings with regard to sailors on board American vessels in the port of Liverpool will show you that the absence of a convention does not prevent American shipping interests from receiving due protection in England. The point on which I want you to be good enough to inform me in your position as a legal official of the United States is this: In the absence of an express consular convention between our two countries, and in view of the act of Congress of June, 1864, what remedy or protection exists in the event of a mutiny occurring on board a British merchant vessel while in American waters.

I have, &c.,

FREDERICK BERNAL.

W. J. JONES, Esq., *United States District Attorney, Baltimore.*

P. S.—I would particularly draw your attention to the second of the two enclosed cases.

Mr. Jones to Mr. Bernal.

BALTIMORE, *January* 18, 1865.

SIR: I regret that your communication of the 4th instant has remained so long unanswered, owing to my professional engagements and severe illness in my family.

But now in reply thereto I say that I should hesitate seriously before I would direct the officers of the court to enter upon a British vessel. I admit that the request of the representative of the British government would *seem* to justify such action, and to estop that government from making any complaint, but as a measure of prudence I suggest that you refer the matter to your minister at Washington, so that he may bring it to the attention of the Department of State.

I am, &c.,

W. J. JONES,
United States District Attorney for Maryland.

FREDERICK BERNAL, Esq.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, March 16, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant, relative to the question stated in its accompanying copy of a letter of the 4th of January last, addressed by her Majesty's consul for the State of Maryland to the United States district attorney at Baltimore, as to the remedy or protection existing in the event of a mutiny occurring on board a British merchant vessel in American waters.

With regard to the circumstance which gave rise to Mr. Bernal's application, as described in your communication, I have the honor in reply to state that there is no doubt of the jurisdiction of our officers and tribunals to interfere in the way of prevention or of punishment in breaches of the peace occurring in American waters upon foreign vessels. There is no reason why our police, civil or naval, should hesitate to board a British vessel for the purpose of quelling a mutiny, attended with assaults upon the officers or violent resistance to the exercise of their legitimate authority—or subjecting refractory seamen to temporary confinement. The difficulty, however, is supposed to arise in cases where seamen simply refuse to work, and where confinement of them would reduce the vessel to a floating jail, without the power of motion. The remedy that is supposed to be wanted is a compulsion upon the men to do their duty: in other words, to enforce a specific obligation of their contract. No officer or tribunal of the United States has the capacity to apply such a remedy, except in execution of a treaty or convention, which seems necessary as the basis of laws of Congress regulating the mode of proceeding. A treaty is also necessary to justify the detention here of a foreign seaman upon the order of his consul, or otherwise than as a criminal offender.

For any intervention beyond the limit thus indicated an agreement between the two governments would seem to be requisite. I have to remark, however, that the question which I have discussed is purely a legal one, upon which I ought to reserve myself for consultation with the Attorney General. Giving you the opinions now entertained by me, I will at any time request the opinion of the law officer, if a practical case shall arise.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, March 21, 1866.

SIR: With reference to your communication of the 5th of January last, in regard to the shooting of George Holmes, a native of Jamaica, by the sentinel of the United States gunboat James Adger, while she was lying alongside one of the wharves at Colon, I have the honor to enclose for your information a copy of a letter of the 15th instant, and its accompaniments from the Navy Department.

I have the honor to be, sir, with the highest consideration, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, March 15, 1866.

SIR: I have the honor to transmit herewith a copy of the finding of the material facts by a naval court of inquiry in regard to the killing of George Holmes, colored, said to be a British subject, at Aspinwall, United States of Colombia, on the 10th day of November, 1865. I also return herewith all the papers transmitted by the Department of State relative to the affair.

Very respectfully, your obedient servant.

GIDEON WELLES, *Secretary of the Navy.*

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C.

The naval court of inquiry convened on board the United States steamship James Adger at Aspinwall, United States of Colombia, on the 20th of February, 1866, by order of the Secretary of the Navy of the United States, to investigate the shooting and killing of George Holmes, (colored,) was in the words following:

The court, after maturely considering the evidence adduced in the case, find the following facts established:

That the United States steamer James Adger, on the night of November 10, 1865, was lying alongside the Central wharf at Aspinwall, United States of Colombia, having hauled in for coal and stores.

That two sentries from the marine guard of the James Adger were posted on the wharf, inside the gates, to protect the property of the United States on the wharf, and to prevent desertions from the ship.

That to land marines from United States ships of war for such duty, and for other purposes, has been and still is usual at Aspinwall and Panama.

That James Kinsilla was one of the sentries on that Central wharf on the night of November 10, 1865, and that the orders for his post were "To allow no one to pass through the gate except officers of the United States steamship James Adger."

That the post of Kinsilla was No. 1, and that the other sentry, Gallagher, was post No. 2, being at the side of the wharf opposite to No. 1 post, and divided from it by a raised platform with stores upon it and by railroad cars. The post of Kinsilla, post No. 1, being the only one with means of entrance to and exit from the wharf—the gate by Gallagher's post, post No. 2, being closed.

That several negroes had been allowed in the early part of the evening to pass in at Kinsilla's post, post No. 1, by special permission of Acting Volunteer Lieutenant Commander John MacDearmid, commanding the United States steamship James Adger, to sleep upon the wharf, and that others who had been employed upon the wharf during the day had been permitted to remain there after working hours, to sleep, and that all these negroes had been made to lie down near the ship and not allowed to remain near the gate, nor near the centre of the wharf where the United States stores were.

That on the night in question the space from the gate where Kinsilla was posted to the ship was well lighted with ship's lanterns.

That at about 11 o'clock of the night of November 10, 1865, a colored man approached the post of Kinsilla from the town, and was challenged and ordered to halt by the sentry. He did not halt, but advanced upon the sentry with a club in his hand and endeavored to pass his post.

That the sentry, Kinsilla, remaining at his post within the gate, brought his musket to a charge, bayonet unfixed, and again ordered the negro to halt.

That the negro seized the musket, advanced one foot within the gate, and struck the sentry, Kinsilla, twice—once on the left arm and once on the left hand, still endeavoring to pass his post.

That the discharge of the sentry's musket followed the last blow from the club immediately, and that by this discharge the negro man was shot dead in attempting to force his way past the sentry's post.

That the discharge of the musket was consequent upon the encounter between the negro and the sentry, and was not a deliberate or premeditated act on the part of the sentry.

That the sentry on post No. 2, Gallagher, heard the sentry on post No. 1, Kinsilla, at about 11 o'clock p. m., order a man to halt, but did not hear any conversation following this order.

That the corporal of the guard, Whelan, who was at the gangway of the James Adger when the musket was discharged, went instantly to the gate, where he found the sentry, Kinsilla, at his post, and saw the body of a black man lying just outside the gateway, apparently dead.

That the sentry, Kinsilla, reported to him that the man had attempted to pass after he had ordered him to halt, and had struck him twice with a club, and that the blow had discharged his musket and shot the man. Which statement Kinsilla made in substance to the chief engineer, Mr. Whipple, and the surgeon's steward, Mr. White, who immediately followed the corporal of the guard to the gate. And that the sentry made the same report to Acting Volunteer Lieutenant Commander John MacDearmid, who came upon the wharf soon after and interrogated him; and that these facts were so reported to the officer of the deck, Mr. Holloway, by the corporal of the guard.

That none of the negroes who were sleeping on the wharf were sufficiently near to overhear what was passing between the sentry and the man who was shot.

That there is no reliable testimony to show that any one was sufficiently near outside the gate to hear what was passing between the sentry and the man who was shot.

That the alcalde of Aspinwall afterwards visited the wharf, and after hearing from Acting Volunteer Lieutenant Commander MacDearmid a report of the affair, demanded that the sentry should be delivered to him, which demand Acting Volunteer Lieutenant Commander MacDearmid refused to comply with, but consented to produce the sentry before him at his office on the following morning, which he did.

That on the following morning Acting Volunteer Lieutenant Commander MacDearmid took the sentry, Kinsilla, on shore to the office of the alcalde, that he might be examined in regard to the occurrence of the preceding night; and while so at the alcalde's office the prefect demanded that Kinsilla be delivered up as a criminal, which Acting Volunteer Lieutenant Commander MacDearmid refused to do, and the sentry, Kinsilla, was returned on board the James Adger. The proceedings of the authorities on shore were subsequently in the nature of correspondence with the United States consul at Aspinwall, and copies of all letters on the subject are annexed to the record.

That private Kinsilla bears an excellent character on board the James Adger, and is particularly noted for his peaceful disposition. His appearance and demeanor before the court confirm this favorable testimony as to his character.

The court desire to add to this summary of the testimony the further statement, that so far from the shooting of persons on shore at Aspinwall by sailors or marines of the United States being a "not unusual occurrence," the evidence taken on this point shows that the instance in question is the only one within the knowledge of the present United States consul, who has resided on the isthmus for fifteen years. It will appear from the record that the British vice-consul at Aspinwall, Mr. Thomas Cathcart Taylor, was invited to be present, either himself or by deputy, during the proceedings of the court, and was also desired to furnish the names of witnesses competent to testify in the case.

The correspondence between the court and Mr. Taylor shows why he was not present at the session of the court, and is appended to and made part of the record in the case.

WM. REYNOLDS,
Commander United States Navy, President of the Court.

H. E. DANIELS, *Judge Advocate.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *March* 23, 1866.

SIR: With reference to your communication of the 27th December last, respecting the desire of the United States government to appoint a consul or a

consular agent at Hamilton, Canada West, I have the honor to inform you, in accordance with the instructions which I have received, that her Majesty's government readily concur in the creation at Hamilton of either a consulship or a consular agency, as the United States government may prefer.

I have the honor to be, with the highest consideration, sir, your obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, March 26, 1866.

SIR: With reference to the case of the steamer General Rusk, *alias* Blanche, which was chased ashore on the coast of Cuba in 1862, by the United States steamer Montgomery, and burnt by those on board to prevent her from falling into the hands of her pursuers, this department has received authentic information which confirms its original moral convictions upon this subject.

The steamer referred to, which, at the beginning of the rebellion, was one of a line plying between New Orleans and Galveston, in Texas, was seized by insurgent authorities at the last-named place in June, 1861. A few months afterwards she was fitted out as an armed vessel for the protection of the harbor of Galveston. In May, 1862, F. J. Moise, a quartermaster in the insurgent service at Galveston, addressed a letter to James Sorley, then collector of customs there, asking him to issue a register to the General Rusk, in the name of Leon Smith. The request was complied with. The steamer was then disarmed, laden with cotton, and proceeded to Havana, under a contract with Moise, to bring back arms, ammunition, quartermaster stores, and medicines. She returned to Indianola, in Texas, with the cargo contracted for; was there again laden with cotton under the same contract, or another contract with the same parties; but on her next voyage to Havana, her career was put an end to, as above mentioned.

Under these circumstances, this government deems itself further and conclusively warranted in holding that the steamer Blanche and her cargo, at the time of her capture, were the property of the insurgent authorities; that the transfer of that vessel to an alleged British subject at Havana, named George Wigg, was simulated and for the purpose of defrauding the government of the United States; which cannot acknowledge the legality of such transfer, or any rights claimed by Mr. George Wigg, pursuant to the same.

I have the honor to be, sir, with the highest consideration, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK A. W. BRUCE, *&c., &c, &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, May 25, 1866.

SIR: I have the honor to transmit to you a copy of a circular which, on the 12th instant, was addressed by this department to the governors of the several States of the United States, upon the subject of granting passports to citizens

of the United States. I will thank you to communicate to your government the information contained therein.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

The same to all the foreign representatives.

[Circular.]

DEPARTMENT OF STATE,
Washington, May 12, 1866.

SIR: It has come to the knowledge of this department that the governor of one of the States of the United States has issued instruments signed by himself, and bearing the seal of the State over which he presides, which instruments purport to be passports to citizens of the United States. These proceedings having been brought to the attention of the President of the United States, I am directed by him to inform the governors of the several States that the granting of passports by them, or by any other State authorities, is deemed to be in contravention of the Constitution and laws of the United States and of the law of nations, and that all such instruments are illegal and void, and that such instruments will in no case be recognized by this department, or accepted or recognized by the governments of foreign states.

I have the honor to be your excellency's obedient servant,

WILLIAM H. SEWARD.

His Excellency the GOVERNOR OF THE STATE OF ——.

The same to all the governors of States.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *May* 25, 1866.

SIR: I duly transmitted to her Majesty's government copy of the note which you did me the honor to transmit to me on the 26th of March, alluding to the recent receipt by the government of the United States of authentic information with regard to the steamer Blanche or General Rusk, confirmatory of their original moral convictions as to the ownership of that vessel and her cargo.

Her Majesty's government, while admitting that the cessation of the war may possibly have removed some hindrances which previously existed to the discovery of evidence bearing upon the true facts of the case, think it reasonable that her Majesty's minister in the United States should be afforded an opportunity of seeing the documents in which that information is contained, in order that he may report thereupon his opinion on the case.

I am consequently instructed to request that you will be good enough to allow me to peruse the documents referred to in your communications.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *May* 31, 1866.

SIR: I have the honor to inform you that the government of Canada have authorized P. Fortin, esquire, the magistrate commanding the government ves-

sel La Canadienne, employed in protecting the fisheries of Canada, to issue fishery licenses on the payment of the sum of fifty cents per ton of measurement of the vessels proposed to be used in fishing.

These licenses will remain in force during this season, and will confer upon the holders of them, as far as the Canadian fisheries are concerned, all the rights enjoyed by the fishermen of the United States under the reciprocity treaty.

This measure is of a provisional nature, and I trust that before another fishery season arrives an opportunity will be afforded of placing this and other matters affecting the trading relations between the United States and the provinces on a permanent and satisfactory footing.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *June* 2, 1866.

SIR: The British Admiral Sir James Hope has forwarded to me copies of the correspondence which took place between Captain Boggs and the officers in command of her Majesty's ships Niger and Fawn, with reference to a shot fired from the latter vessel while lying in the river St. Croix, which appears to have struck on the American side of the river, near Robbinstown, on the evening of the 11th of May.

Without entering into the details of the affair, which have no doubt been communicated by Captain Boggs, I think it right to mention that the shot was not fired in a spirit of wantonness, or without a reason. Orders had been given to search boats leaving the New Brunswick shore, in order to prevent some men who were missing from the regiment stationed in the neighborhood of St. Andrews from crossing to the American shore. On observing a boat pulling across from the New Brunswick side, the captain of the Fawn despatched one of his own boats to see that the men were not on board, and on perceiving that she did not stop, and was likely to succeed in escaping the search, his suspicions were aroused, and he caused a shot to be fired to bring her to. I see no reason to doubt the statement that the boat was in British waters at the time when the shot was fired, and that, as the vessel was riding to the flood-tide, and the gun was fired over the stern, there was no reason to apprehend that the ball would deflect in such a manner from its true course as to strike the American shore.

I regret very much that a violation of the American territory, though fortunately unattended with injury, has taken place, and I can assure you, sir, that the instructions issued to the squadron, and the disposition of the officers commanding, prescribe not only the respect that is due to the territory and jurisdiction of the United States, and an abstinence from any proceeding that is an infringement of her rights, but a harmonious co-operation with the United States navy and authorities in the discharge of the delicate duties which have been imposed on them by the late occurrences on the frontier.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 4, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, in which you inform me that the government of Canada have authorized P. Fortin, esq., the magistrate commanding the government vessel La Canadienne, employed in protecting the fisheries of Canada, to issue fishery licenses on the payment of fifty cents per ton of measurement of the vessels proposed to be used in fishing, these licenses to remain in force during this season, and to confer upon the holders of them, as far as the Canadian fisheries are concerned, all the rights enjoyed by the fishermen of the United States under the reciprocity treaty, and that this measure is provisional.

In reply, I have the honor to inform you that this provisional arrangement is duly appreciated by this government as evincing an amicable and liberal spirit on the part of the authorities of Canada, and that it will be made public, for the information of parties interested in the Canadian fisheries.

Concurring in your friendly wishes for an early and satisfactory adjustment of questions of trade and intercourse between her Majesty's provinces and the United States, I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 11, 1866.

SIR: The Secretary of War has laid before the President several despatches which were received yesterday and to-day from Major General Meade, who is commanding the United States forces on the Canadian frontier.

These communications warrant the President in believing that the so-called Fenian expedition is now entirely at an end, and that order and tranquillity may be expected to prevail henceforth upon that border.

I regret, however, that I am obliged to connect with this gratifying information the further statement that reports have reached Major General Meade to the effect that some Canadian or British troops have crossed the line, and entered within the territory and jurisdiction of the United States. It is even said that this entry took place after the disturbers of the peace, under the command of the leader named Spear, had relinquished their forbidden enterprise, and withdrawn within the boundary line of the United States.

The reports go so far as to say that prisoners have been taken on the soil of the United States and conveyed to Canada, and that the Canadian agents have threatened that these prisoners, together with such stragglers as may now be found within the Canadian lines, will be immediately executed, without legal trial.

It is believed that these reports are exaggerated. Care has been taken by Major General Meade to have them promptly investigated. In the mean time I am instructed by the President to represent to you, and through you to the British and Canadian authorities, that this government could not look without serious concern upon the practice of any unnecessary severity, and especially upon the exercise of retaliation, or other illegal proceedings, upon the persons of such of the offenders as have fallen, or shall hereafter fall, into the hands of the Canadian authorities. I respectfully invite your attention to this subject, with

a confident expectation that no proceedings that shall not be authorized by and be in conformity with law, will be taken against persons of that class, and in the hope that even the customary administration of the law will be tempered with special forbearance and clemency.

In view of the effective proceedings which this government has adopted in regard to the disturbances on the frontier, now so fortunately ended, these representations would have been made by me without waiting to be moved from any other quarter. They are now made, however, with the approval of Major General Meade, and I believe that they will receive the concurrence of the Congress and the people of the United States.

I have the honor to be, sir, with the highest consideration, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *June* 11, 1866.

SIR: I have the honor to acknowledge the receipt of your note of this day's date, conveying to me the gratifying intelligence that the measures taken by the government of the United States, and the judicious arrangements of Major General Meade, have put an end to the prosecution on the frontier of designs against the tranquillity of the British provinces.

I have received no information as to any violation of the territory of the United States having been committed by the imperial or provincial troops of her Majesty, an occurrence which I should sincerely regret, and I may be permitted to doubt the accuracy of the reports forwarded to General Meade until that officer has been able to inquire into them, as the experience of the last week has proved that it is a part of the tactics of these agitators to circulate reports of this description in order to obtain for their cause a sympathy which is not extended to it.

I have not failed to transmit to the proper quarter in Canada the substance of your note respecting the treatment of the individuals who have fallen into the hands of the Canadian authorities. It is not to be denied, nor is it unnatural, that much indignation should be felt against them. But it is a satisfactory circumstance, and creditable to the humanity of those engaged, that the men who formed part of the expedition which crossed at Fort Erie and were taken in the act of attacking the Canadians who turned out to defend their homes, were not summarily disposed of, but were reserved to be dealt with after due investigation. I feel convinced that the observations contained in your note will receive the respectful consideration of the Canadian authorities, and that every disposition will be shown to confine the punishment of the offenders within the limits of what may be required to insure safety for the future, and of what will be confirmed by the decision of a sound and enlightened public opinion.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 14, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, relative to the circumstances under which a shot was fired from her Majesty's ship Fawn, near Robbinstown, on the St. Croix river, which struck on the United States side of the river, and in reply to inform you, by direction of the President, that the explanation and the very courteous expressions of regret contained in your note are entirely satisfactory to this government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 21, 1866.

SIR: I have the honor to invite your attention to the petition of Mrs. Sarah O'Malia, of Louisville, Kentucky, who states that her husband, Patrick O'Malia, a naturalized citizen of the United States, was carried away by the Fenians while on a spree and was subsequently captured near Fort Erie by the Canadian authorities. I presume he is now held in custody in Canada. Upon this assumption and the distress occasioned by the occurrence to his family, I am induced to commend the petition to your kind consideration, and its subject to the clemency of her Majesty's authorities.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mrs. O'Malia to Mr. Seward.

LOUISVILLE, KENTUCKY, *June* 18, 1866.

COMMONWEALTH OF KENTUCKY, *County of Jefferson:*

Your petitioner, Sarah O'Malia, would respectfully represent to you that her husband, Patrick O'Malia, is a citizen of the United States, born in Ireland; that he served in the Union army during the late war of the rebellion.

She states that he recently went from Louisville, Kentucky, with an expedition into Canada, and was captured by the Canadians near Fort Erie.

She states that her said husband had no arms in his hands (as she is informed) when in Canada or when captured, and that he did not belong to the Fenians, but was taken away by them while on a spree, having been made drunk by them for that purpose.

She states that she is very poor and entirely dependent, and that she wishes to know whether the United States will interfere in behalf of one of its citizens in this state of case.

Humbly petitioning, she subscribes herself,

SARAH O'MALIA.

His Excellency WILLIAM H. SEWARD,
Secretary of State of the United States.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *June* 23, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, enclosing a petition from Mrs. Sarah O'Malia, respecting her husband,

now under arrest in Canada as one of the persons engaged in the late raids on the frontier of that province.

I have transmitted a copy of her statement to his excellency the governor general, and I have no doubt that it will be investigated at once, as there is every disposition to give their full weight to such palliating circumstances as may be proved to exist in the cases of those who took part in these unjustifiable proceedings.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *June* 24, 1866.

SIR: I have the honor to state that I am informed by his excellency the governor general of Canada that the governments of Nova Scotia and New Brunswick have agreed that the possession of a license issued by Canada to fish shall entitle the holder, during the season of 1866, to fish in the waters of New Brunswick and Nova Scotia as well as in those of Canada; the holder of a license from the government of Nova Scotia or New Brunswick, if any such shall be issued, being entitled to fish also in the Canadian waters. I shall feel much obliged if you will communicate this information to the chairman of the Committee of Ways and Means.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 25, 1866.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, announcing the liberal decision of the governments of Nova Scotia and New Brunswick in regard to fishing licenses granted by Canada to fishermen of the United States, and a similar decision of the Canadian government in regard to licenses issued by the governments of Nova Scotia and New Brunswick.

In compliance with your request I shall communicate this information to the Committee of Ways and Means, and I shall also take pleasure in making it known to the public.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *June* 29, 1866.

SIR: With reference to your note of the 15th ultimo respecting the proposed appointment of additional consular officers of the United States in Canada, I am instructed by her Majesty's principal secretary of state for foreign affairs

to inform you that her Majesty's government concur in this increase in the United States consular establishment in Canada, and that instructions in this sense will be forwarded to his excellency the governor general.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *June* 30, 1866.

SIR: With reference to my note of the 23d instant I have the honor to inform you that his excellency the governor general of Canada, in acknowledging the despatch which I addressed to him respecting the prisoner O'Malia, states that his case will be taken into consideration, together with the petition in his favor and your request in relation to it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 30, 1866.

SIR: I have the honor to invite your attention to the enclosed copy of a letter of the 28th instant, from the Hon. Thomas A. Hendricks, in regard to the arrest and detention of the Rev. John McMahon, a citizen of Indiana, upon suspicion of connection with the late Fenian incursion.

I trust that in view of the apparent innocence of the Rev. Mr. McMahon, an immediate investigation of his case may be made, and that, unless adequate proofs of his guilt can be produced, he may be promptly released. In any event, it is hoped that all of the misguided men whose complicity with the movement referred to shall be established may be leniently dealt with.

I have, &c.,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Hendricks to Mr. Seward.

SENATE CHAMBER,
Washington City, June 28, 1866.

SIR: The Rev. John McMahon, the parish priest of Anderson, in the State of Indiana, was recently called to visit Canada on business connected with the estate of a deceased brother, and whilst there was arrested and lodged in the jail at Toronto, upon the charge of being connected with the Fenian invasion of that country, and he is now in the jail. I am satisfied by the information which I have that he was not in Canada upon any connection with the Fenian movement, but only upon proper business. I have the honor, therefore, to request that you will use the influence of your department with the authorities of Canada for the release of the reverend gentleman.

With great respect,

THOMAS A. HENDRICKS.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 30, 1866.

SIR: I have the honor to acknowledge, with much satisfaction, the receipt of your note of yesterday's date, in which, referring to my note of the 15th ultimo, respecting the proposed appointment of additional consular officers of the United States in Canada, you inform me that you have been instructed by her Majesty's principal secretary of state for foreign affairs to make known to this department that her Majesty's government concur with the government of the United States in the proposed increase of its consular officers in Canada, and that instructions will be forwarded to his excellency the governor general to that effect.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 5, 1866.

SIR: With reference to my note of the 31st May last, I have the honor to inform you that I have received a despatch from his excellency the governor general of Canada, stating that the government of Prince Edward's Island has decided on adopting the system agreed to by the other provinces; consequently a fishing license issued by either Canada, Nova Scotia, New Brunswick, or Prince Edward's Island will now entitle the possessor of it to fish in the waters of all those colonies.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 10, 1866.

SIR: The case of the Rev. J. McMahon, which you brought to my notice, has, together with the letter of the Hon. Mr. Hendricks, been taken into consideration by the proper authorities in Canada.

I regret to say that the preliminary examination has resulted in the full committal for trial of Mr. McMahon and the persons arrested at the same time.

But his excellency the governor general informs me that there will be no unnecessary delay in giving them the opportunity of establishing their innocence of the charges brought against them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c, &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 10, 1866.

SIR: The Haytien minister in London in the month of June expressed, by order of his government, the strong desire of the President of Hayti to come

to an understanding with the Dominican republic, and there appears reason to believe that the overthrow of President Baez has removed one of the main obstacles to an adjustment of the differences prevailing between the two republics.

Her Majesty's government are willing, in the interests of humanity, to use their best efforts to bring about a better understanding between the two sections of the island. The French government are also prepared to lend their aid in the attempt at conciliation, and the co-operation of the government of the United States, it is believed, would contribute powerfully in effecting this desirable object.

Before proceeding further, however, I am directed to consult you on the subject, and to ascertain, as you have recently visited the island, and are in possession, doubtless, of information of a late date, whether in your opinion such a joint mediation of the three powers is deemed likely to lead to satisfactory results; and if so, whether the government of the United States would be inclined to take part in the mediation in concert with France and Great Britain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, July 11, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, in which you inform me that the Haytien minister in London, in the month of June last, expressed by order of his government a strong desire of the President of Hayti to come to a friendly understanding with the Dominican republic.

You also inform me that her Majesty's government, as well as the French government, are prepared to lend their aid in the attempt at reconciliation between those republics, and you invite the co-operation of the government of the United States.

In reply, I have the honor to state that the President entirely concurs in the sentiments of her Majesty's government and of the French government upon this subject, which you have communicated to me, and that he would have been prepared to express that concurrence in some practical form which would have been consistent with the general habits and policy of the United States, if the condition of both of those republics had undergone no change since his attention was first called to the subject. A revolution, however, has now occurred in St. Domingo, and no permanent government or administration has yet been established there.

Under these circumstances the President thinks that it has become necessary to await a reorganization of the government in that part of the island. When that reorganization shall occur, the President will with pleasure recur to the subject, if a necessity for good offices on the part of friendly powers shall seem to exist.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, July 12, 1866.

SIR: I have the honor to inform you that it has been authoritatively represented to me that an armed party from the Canadian gunboat Michigan have recently landed within the jurisdiction of the United States, on the river St. Clair, seized, bound, and forcibly conveyed to that vessel John Chapell, a deserter from the Royal Marines light infantry, Plymouth division.

I will thank you to make this fact known to the proper Canadian authorities, in the expectation that if, upon inquiry, it shall appear that such a violation of the sovereignty of the United States as is above described has actually occurred, the captured man may be replaced within the jurisdiction of the United States, and such amends made as may be due to the dignity of a friendly state, and from the nature of the offence.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 13, 1866.

The undersigned has been instructed by her Majesty's government to state that the principal maritime powers have for a long time interested themselves in endeavoring to establish a system of international marine signals that should be universal in its application.

In the year 1864 the governments of France and Great Britain resolved, for the general interests of shipping and commerce, to determine by investigation, which, if any, of the signal codes then existing possessed the elements of a system most favorable for general adoption for intercommunication by vessels of all nations irrespective of country or language, and which in fact most nearly fulfilled the conditions requisite to insure the advantages and claim the title of an "universal language of signals."

An international commission was accordingly appointed by the governments of France and Great Britain for the purpose of examining and reporting upon the merits of the commercial code of signals for the use of all nations which had been selected as the code best adapted for general use.

This code has been revised by that commission, and after considerable modification and improvement, it has now assumed a cosmopolitan character which no other code of marine signals has to this time so completely presented.

The revised code has been simultaneously published in Paris and London; its adoption for use on board of ships of war of France and Great Britain for intercommunication with each other, and with merchant vessels, has been ordered by the respective governments, and its use on board merchant vessels has been strongly recommended by the associations connected with shipping, and every means have been taken by the governments of France and Great Britain to promote and extend its adoption at home, and in their respective colonies and dependencies, both on board merchant ships and signal stations.

The undersigned has now the honor to enclose a copy of the English signal-book, and he begs leave at the same time to state that, with the view of insuring to all maritime States a participation in the benefits of a uniform system, and at the same time of preserving the essentially international character of the *signal code*, the governments of France and of Great Britain have mutually

agreed between themselves to act upon, and to request other governments who may adopt the commercial code to adhere to the following regulations:

1. The government of each country adopting the code will undertake to exercise a control over its publication, so as to insure that the signals and their significations are exactly conformable to those of the French and English editions; and no edition will be authorized by any government unless recognized by the proper department of such government as being correct and in conformity with the French and English types.

2. Each government adopting the code will prepare and publish an official list of national ships of war and of merchant vessels, assigning to each vessel one of the signals expressly set apart in the code as the distinguishing signals for making ships' names. In doing this it would be desirable that the form of these lists, as adopted by France and Great Britain, should be adhered to.

In calling the attention of the government of the United States to this subject, which is one of great importance to the interests of the mercantile marines of all nations, the undersigned has only to add that he will be glad to be enabled to report to her Majesty's government the view which the United States government may take of this matter, and whether the United States government are disposed to co-operate by the adoption of the code.

The undersigned avails himself of this opportunity to renew to Mr. Seward the assurance of his highest consideration.

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 13, 1866.

SIR: I have duly reported to her Majesty's government the disturbances that lately took place on the frontiers of New Brunswick and Canada, and the measures taken by the government of the United States to prevent these expeditions of armed men, in breach of the neutrality laws, from being carried into effect.

I am directed by her Majesty's government, in reply, to state that for some months past they have observed with regret, though without alarm, the organization of the Fenians in the United States, but they have invariably abstained from making any official representation to the cabinet at Washington, because they felt that they had no right, as indeed they had no desire, to interfere with the administration of the law in the United States. They had, moreover, a perfect conviction that if ever the time came for the fulfilment by the United States of the obligations which international law imposes upon friendly and allied governments, that government would take all the measures which those obligations and regard for its own honor might call upon it to perform.

Her Majesty's government rejoice to find that this confidence has been fully justified by the result, and that the government of the United States acted, when the moment for acting came, with a vigor, a promptness, and a sincerity which call forth the warmest acknowledgments.

I am, in consequence, instructed to express to the government of the United States the thanks of her Majesty and of her Majesty's government for the friendly and energetic assistance which they have afforded in defeating the attempts to disturb the peace of her Majesty's possessions in North America.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, July 16, 1866.

SIR: I have the honor to invite your attention to the enclosed copy of a communication of the 23d ultimo, from James Diamond, who, it appears, is detained in the old jail at Toronto, Canada, and is charged with complicity in the late Fenian invasion of her Majesty's provinces.

I am induced, by the statement of Mr. Diamond in regard to his arrest, to commend his case to the early and kind consideration of her Majesty's authorities.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c, &c, &c.

Mr. Diamond to President Johnson.

TORONTO OLD JAIL, CANADA WEST, *June* 23, 1866.

SIR: On the morning of the 2d instant I went over from Buffalo to the Canadian side, hearing of the great excitement being there. There were a great many went over to see what was going on. When we were returning we would not be allowed by a Canadian guard. I went to the United States consul at Fort Erie, and got a pass from him to cross, but when I presented it to the corporal of the guard, he took it and went to a higher officer, and I did not see it from that forth. They arrested me afterwards as prisoner, (in the name of the Queen,) searched me thoroughly, but found nothing on me but four likenesses of young men and young women and a ten-dollar bill, United States money, all of which they kept. They told me they arrested me on suspicion of being a Fenian. All I could say would not avail. They sent me to this place, and here I am since, without any trial, and do not know when we will have any. My mother and one brother and three sisters are still in Nashville, Tennessee; the eldest of them is only a little over ten years old. I am a moulder by trade, and I used to send them all I could spare. I served in your own old regiment, the tenth Tennessee, for three years and one month; Captain Joyce was my captain, company B; Colonel Gilliam our colonel, and when I was discharged by an honorable discharge, Colonel Scully was our colonel. I afterwards got my citizenship papers.

Hoping to your honor that you will do something for me to get me out of this place, I remain your humble servant,

JAMES DIAMOND.

His Excellency President JOHNSON.

Please write immediately. Direct for James Diamond, (prisoner,) care of the American consul, Toronto.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, July 16, 1866.

SIR: I have the honor to invite your attention to the enclosed copy of a communication from Mr. Patrick O'Mally, who, it appears, is detained in the old jail at Toronto, Canada, on the charge of participation in the late Fenian invasion of her Majesty's provinces.

The apparent innocence of O'Mally of any intention to occupy any other position than that of a mere spectator of the proceedings of the Fenians induces me to commend, through you, his statement to the kind interpretation of her Majesty's provincial authorities.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. O'Mally to President Johnson.

TORONTO OLD JAIL, CANADA WEST, *June* 23, 1866.

SIR: I hope you will excuse me (being only a poor laboring man) for my presumption in writing to your honor, but being acquainted with you by seeing you often in Tennessee, and hearing you speak in public eight years before the rebellion, (and after it was over,) and knowing that your high but kind principles were always such as to hear and look after the poor man, I thought it expedient to write to your honor from this jail (it is the first one of the kind I was ever in) and let your honor know all about how I happened to be here. I came on a steamboat to Pittsburg, and there was paid. I sent the most of my pay to my wife and four children to Louisville, Kentucky, and I told her I would see and make my way to Buffalo and work there for the summer, as I expected to get to be a steersman on the canal, at thirty-five or forty dollars per month and board. In Louisville, when I left, the wages was only $1 50 per day, and little work at that to be had, and house rent being so high, and the prices of provisions, a man with a family had to scratch hard to live. I had a partner, a young man, along with me, who helped me with some money. I was in Buffalo for some time, and at last succeeded in getting work, and engaged to go to work Monday, the 4th of June, but, unfortunately, I crossed over to the Canadian side to see the excitement, in company with a few others, citizens of Buffalo, on Saturday morning, 2d of June. (The excitement was caused by Fenians being fighting about ten or twelve miles from there, that is, from Fort Erie.) I remained there for some time, and when thinking to recross I would not be allowed, and passes from the United States consul at Fort Erie were of no use.

In a short time after I was arrested prisoner, in the Queen's name, by Captain King, on the public road, on suspicion of being a Fenian. He searched me carefully, and found nothing on my person but a pocket knife and a small lead-pencil; but still he marched me along until he sent me aboard the steamboat Rob. After some time a man came aboard and wrote the names of all the prisoners on board and what was found on the person of each of them. Captain King told him he found nothing on me but what I have mentioned, but still they held me, and here I am, three weeks to-day, without a trial, and do not know when we will have any. There are several men here who fought bravely for their adopted country three and four years during the last rebellion. There is no proof against the most part of us, (but suspicion.) The American consul came to see us; indeed, we expected to hear some words of comfort from him, but his words were these: "Stand back;" and after a few more words about Canada, he said if any of us could or would be convicted as belonging to the Fenian organization who troubled Canada, he would like to see the last one of us strung up. Some made the remark, "We want a trial," but no answer. He came again this week and told us to send after our citizenship papers. Some told him they had lost them, and had no friends outside to trouble themselves about going to the place where they first got them, and have other papers sent them. So this is the way a good many of us stand. But we live in hopes of being once more released from British yoke, and standing free on the soil of our adopted country, under the wings of the eagle, and our loved stars and stripes; but, indeed, if not released soon, the English will have the pleasure of burying some of us. Our food is bread and water for breakfast, soup, made from some old cow's head, and a little bread for dinner, and a little corn meal mush for supper. This treatment will hurry us on fast, but the Lord, who knows all things, sees this. There are only a few married men here, but none as far from his wife and children as I am. I hope your Excellency will pause a few moments and think on me here in an English prison and away from them, not able to send them any relief, and knowing they have not much store to fall back on, and I thinking that the two of them that are able will soon be compelled to go around the town and provide for the others; it almost kills me. (The number of my house is 13 Preston street, Louisville, Kentucky.)

Praying that the Lord may guide you in all wisdom and truth, and to look into my condition, I remain your most humble and obedient servant and citizen.

PATRICK O'MALLY.

His Excellency A. JOHNSON,
President of the United States.

I hope you will act soon on this. Direct for me, in care of the American consul at Toronto, or else write to him—old jail.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 21, 1866.

SIR: With reference to my note of the 5th instant, and to previous correspondence, I have the honor to inform you that the government of Prince Edward's Island have agreed to recognize in the waters within its jurisdiction the fishing licenses issued by the other British North American provinces.

Fishing licenses are now issued by the government of Prince Edward's Island at the following places and by the under-mentioned persons:

Charlottetown, the colonial secretary; Cascumpeque, James Forsyth; Richmond bay, Benjamin Beansto; Georgetown, William B. Aitkin.

I have the honor to be. with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c, &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 25, 1866.

SIR: The existing contract with the Messrs. Cunard for the conveyance of the mails between Great Britain and America will cease on the 1st of January, 1868, and it is the opinion of her Majesty's post office authorities that other and better arrangements can be made, which will supersede the necessity of a new contract.

In order to carry out these new arrangements, it will be necessary to terminate the existing post office convention between the United States and Great Britain, as provided by article 22 of that instrument, and I am accordingly instructed by her Majesty's government to give the requisite notice of the intention to determine the convention on the 1st of January, 1868, simultaneously with the expiration of the Cunard contract.

At the same time I am directed to express the readiness of her Majesty's government to enter into negotiations for a new convention, such negotiations to be carried on directly between the post offices of the two countries, and the new convention to be concluded and signed by the heads of the respective offices.

I enclose, confidentially, an extract of a letter on the subject, addressed by the post office authorities to the foreign office, which points out the advantages, it is hoped, may be derived from the new arrangements which it is contemplated to make.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Hill to Mr. Hammond.

GENERAL POST OFFICE, *June* 22, 1866.

SIR: I am directed by the postmaster general to request that you will state to the Earl of Clarendon that the contract concluded on the 24th June, 1858, with Messrs. Cunard, Burns, and MacIver, for the North America and Bahamas mail packet service, can be terminated on the 1st January, 1868, provided twelve months' notice be previously given to the contractors, and that it is the intention of her Majesty's government to give such notice and to terminate the contract accordingly.

The postmaster general does not propose to enter into a new contract for the continuance of a mail service like that now existing between this country and North America, as he is of opinion that without any such contract the numerous steamships now plying afford the means of maintaining a rapid and frequent postal communication with the United States. In his lordship's opinion, arrangements may advantageously be made with the owners of well-appointed ships, leaving this country on stated days weekly, for the conveyance of mails to New York, in consideration of a payment equal to the whole sea-postage if the voyage be performed within a certain time, and equal to a smaller sum, according to a fixed scale, where that time is exceeded.

A similar course might be pursued by the United States post office with regard to the despatch of mails to this country, and it seems probable, looking at the great commercial inter-

course between the two countries, that after a time under such a plan a daily mail might be established in each direction.

Under this arrangement all necessity for the post office of one country to send to that of the other instructions respecting the transmission of its mails, a necessity giving rise to much trouble, would be avoided. As respects the outward mails, each office would have the sole direction. Each office thus undertaking to provide the means for the despatch of the outward mails, the postmaster general would propose that the despatching office should retain all the postage charged on the international correspondence, and that the office to which the mails are sent should make no charge on the delivery of such correspondence.

To accomplish this object, however, and to effect other improvements in the postal intercourse of the two countries, it will be necessary to terminate the existing postal convention between the United Kingdom and the United States signed at London on the 15th December, 1848, and to conclude a new convention, and the lords commissioners of the treasury have authorized the postmaster general to adopt that course.

The 22d article of the existing convention provides that it may be annulled after the expiration of a year's notice given by one government to the other, and I am directed by the postmaster general to request that the Earl of Clarendon will be good enough to intimate to the government of the United States that it is the desire of her Majesty's government that the convention should cease to have effect on the 1st January, 1868, simultaneously with the termination of the Cunard contract.

If Lord Clarendon sees no objection, Lord Stanley of Alderby would propose, in accordance with what is now the general rule, that the negotiations for a new convention should be carried on directly between the post offices of the two countries, and that the convention should be concluded and signed by the heads of the respective offices.

By such a proceeding much trouble is saved, and facilities are given for modifications from time to time in the convention.

In a letter addressed to the Postmaster General of the United States, on the 29th May, 1862, Lord Stanley of Alderby pointed out that although prevented at that time by the great loss sustained by this department in the maintenance of the North America mail line of packets from acquiescing in the proposal to reduce the total charge on a single international letter conveyed between the two countries from one shilling, or twenty-four cents, to sixpence, or twelve cents, he trusted that when that service terminated it would be found practicable to achieve so desirable an object.

Relieved from the burden caused by the contract now about to expire, his lordship will readily agree, in entering into a new convention, to the proposed reduction of postage on international letters, and he will also readily agree to the establishment of low transit rates for letters passing through either country, whether the ordinary or enclosed mails.

I am, &c.,

F. HILL.

The Right Honorable E. HAMMOND.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, July 26, 1866.

SIR: I have the honor to invite your attention to the enclosed extract of a communication of the 19th instant, which the United States consul at Toronto addressed to this department, regarding the arrest and imprisonment at that place of three American citizens, who are charged with participating in the recent Fenian movement against Canada.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Thurston to Mr. Seward.

[Extract.]

No. 113.] CONSULATE UNITED STATES OF AMERICA,
Toronto, July 19, 1866.

SIR: * * * * * * * *

Among the Fenians arrested in Canada on suspicion of being engaged in the Fenian raid in June last, are several American citizens. Many of these persons have placed in my hands affidavits of their innocence and testimonials of their character, which I have forwarded

through the Crown officers to the government of Canada. One of these parties was released at my request some days ago. There are three persons now in jail for whom I have placed before the government of Canada the most unquestionable proof of their innocence. The names of these parties are Thomas Ellis, James Dillon, and Carney, citizens of Buffalo. So convincing was the evidence to the clerk of the peace here, Mr. John McNabb, that he did not hesitate, after examining the same, to send his report to Mr. R. A. Harrison, Crown agent at Toronto, that they be forthwith discharged. On the 5th of July Mr. Harrison made his report, and, as I understand, recommended the discharge of these men. On the 13th instant, hearing nothing further from the government in relation to their discharge or trial, I addressed a letter to Mr. Harrison, herewith enclosed, which he at once transmitted to Ottawa. On the same day I telegraphed to the Hon. Mr. McDougall, which is also enclosed, together with the answer received. On the 17th instant I telegraphed to the honorable attorney general, asking, from the evidence submitted to him, that these parties be at once discharged. I received no answer until yesterday afternoon, when the enclosed answer was received. These parties, arrested on the charge of being engaged in a raid on Canada on the 1st of June, have been in confinement in the old jail in Toronto ever since. They are most respectable persons, living at Buffalo, and, as the testimony submitted to the government of Canada proves, they went over to Fort Erie after the battle, the boat in which they crossed was stolen, and they were arrested sitting on the banks, with no arms or offensive weapons found on them. That parties in Fort Erie saw them when they landed, and to some of those persons they told the object of visiting Fort Erie at that time, which was to see the Fenians and the battle-ground. The government of Canada have not determined whether to try the whole number arrested by military tribunal or by the civil courts. In the mean time they are deprived of their liberty, and no amount of evidence, conclusively proving their entire innocence, seems to have any effect to hasten the government action in their case. I have made all the demand that I felt authorized to make, and I now refer these particular cases to the department for instruction.

There are several other parties, claiming to be American citizens, in prison here, for whom I have transmitted certain evidence of their innocence of any complicity with the Fenian raid. The proof submitted to the government, however, is not full and complete, and I am waiting further evidence to enable me to press their claims for discharge or immediate trial. In the case of Ellis, Dillon, and Carney, I beg to say that I have had every assistance from the county clerk, John McNabb, esq., who has arranged all the proof received, and, with his comments on the same, has transmitted it to the government, with strong recommendation that they should be discharged at once. The general feeling among the law officers of the government at Toronto is that they should be discharged, and I respectfully ask that some action may be had in their behalf by the department at once.

With great respect, I am, sir, your obedient servant,

D. THURSTON, *United States Consul.*

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Letter sent to Mr. Harrison.

UNITED STATES CONSULATE,
Toronto, July 13, 1866.

DEAR SIR: I trust you will pardon any seeming importunity on my part when I again ask if Ellis, Dillon, and Carney are to be released. The proof, so clear and full, would, I am confident, satisfy any one of their entire innocence, and I most respectfully ask that the government be requested to discharge them at once. I know their families are suffering, and, in view of the excessive hot weather, it would seem nothing more than justice that they be discharged at once.

I am, sir, very truly, yours,

D. THURSTON, *United States Consul.*

R. A. HARRISON, Esq., *Toronto.*

Telegram sent to Hon. William McDougall.

TORONTO, *July* 13, 1866.

Hon. WILLIAM MCDOUGALL, *Provincial Secretary, Ottawa, C. W.:*

Is there any reason why Ellis, Dillon, and Carney should not be discharged at once? The evidence of their innocence is certainly conclusive, and has been before your government for a week.

D. THURSTON, *United States Consul.*

Telegram received from Hon. William McDougall.

OTTAWA, *July* 13, 1866.

D. THURSTON, *American Consul, Toronto, C. W.:*

The prisoners having been taken by the military authorities as persons engaged in a piratical attack upon this province, can only be discharged after acquittal by the proper legal tribunal.

WILLIAM McDOUGALL.

Telegram sent to John A. MacDonald, Esq.

TORONTO, *July* 17, 1866.

HON. JOHN A. MACDONALD, *Attorney General, West Ottawa, C. W.:*

Is there any reason why Ellis, Carney, and Dillon, in prison here as Fenians, are not discharged? The evidence of their innocence is conclusive, and the report of Mr. Harrison in favor of their release. I would respectfully ask that they be discharged at once.

D. THURSTON, *United States Consul.*

Telegram from John A. MacDonald, Esq.

OTTAWA, *July* 18, 1866.

D. THURSTON, *Toronto, C. W.:*

The cases of all the prisoners at Toronto are now under the consideration of the government.

JOHN A. MACDONALD.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *July* 28, 1866.

SIR: I have the honor to forward herewith copies of a despatch from his excellency the governor general of Canada, together with its enclosure, respecting the arrest of a deserter named John Chapell from the Canadian gunboat Michigan within the territory of the United States.

The intention of Lord Monck to have replaced this man within the jurisdiction of the United States has been frustrated by his having deserted a second time. It appears he is now in Detroit.

Lord Monck, in expressing his regret at the violation of the United States territory, which was not contemplated by the officer in command of the Michigan—the boat having been lowered to pick up the man, who was supposed to have fallen overboard—has taken occasion to point out to the officer in command that the man ought to have been delivered up without waiting for any remonstrance from the authorities of the United States, and has given instructions which, I trust, will effectually prevent the repetition of such acts.

I trust the government of the United States will be satisfied with the manner in which this case has been dealt with, and will see in the instructions issued a proof of the desire of her Majesty's authorities in Canada to respect the jurisdiction of the United States, and to act in that spirit of comity and respect for international obligations in which her Majesty's government is anxious that the relations of Great Britain with the United States should be carried on.

I have the honor to be, with the highest consideration, sir, your most obedient and humble servant,

FREDERICK W. A. BRUCE.

HON. WILLIAM H. SEWARD, *&c., &c., &c.*

GOVERNMENT HOUSE, *Ottawa, July* 23, 1866.

SIR: Referring to your despatch of the 14th instant, and enclosure, I have the honor to transmit for communication to the Secretary of State of the United States a copy of a report from Lieutenant Heron, royal navy, commanding the Canadian gunboat Michigan, respecting the circumstances under which the arrest of John Chapell on United States territory took place.

I think it is plain from this report that there was no intention on the part of this officer to infringe the territorial rights of the United States; indeed he asserts that the party by whom the man was arrested were beyond his control at the time the arrest took place.

I regret very much that even under such circumstances any act should have been committed by persons in her Majesty's service, of which the government of the United States has a just right to complain; and if John Chapell were still on board the Michigan, or within my control, I should feel it my duty to order that he should be immediately replaced within the bounds of the United States territory.

I have caused a letter to be written to Lieutenant Heron, pointing out to him that, as soon as he found that the crew of the boat sent in pursuit of John Chapell had exceeded their duty by pursuing and arresting him on United States territory, he should, without waiting for remonstrance from the authorities of the United States, have immediately ordered the liberation of the prisoner so illegally arrested, and I have desired the officer to be admonished to be very careful in future not to infringe the territorial rights of the United States.

As it appears that John Chapell has since a second time deserted, and is now supposed to be at Detroit, I trust the Secretary of State will accept my expression of regret at the affair as a sufficient reparation, and will be satisfied, from what I have stated, that I will use every exertion to prevent a repetition of the occurrence.

I have, &c., &c.,

MONCK.

The Hon. Sir F. BRUCE, G. C. B., *&c, &c., &c.*

H. M. GUNBOAT MICHIGAN, *Windsor, C. W., July* 20, 1866.

SIR: I have the honor to acknowledge the receipt of a letter, dated July 18, regarding the capture of John Chapell, royal marine light infantry, from American territory, by some men of her Majesty's gunboat Michigan.

I have the honor to forward particulars as regards said capture.

On June 27th, whilst proceeding through the river St. Clair, the man John Chapell, royal marine light infantry, did jump overboard, a little below an American town called Newport, and swam to the shore.

I sent a boat immediately after him, under the impression that he had fallen overboard by accident, but afterwards found, by his confession and other evidence, that he was under the influence of liquor, and did not know what he was doing at the time.

A boat with one man came out from the American shore, picked him up, and, after pulling towards the ship for a short time, suddenly turned and made for the shore. The boat from this ship followed, and the men landed and chased the deserter. I was not able to recall them, as I only had one boat, and too far distant to hail them. Chapell got about one hundred yards ashore; they arrested him and brought him back.

No objection was made at the time to the result, nor have the men from this ship arms of any description.

The man in question deserted again on July 9, of which I duly acquainted the mayor of this town, Mr. S. M. McDonnell, and he informed the district attorney of Detroit, who said all proceedings on the subject would be stopped.

John Chapell is, I am told, in Detroit at this moment.

I have, &c., &c.,

MAXWELL HERON,
Lieutenant Commanding.

His Excellency the GOVERNOR GENERAL,
&c., &c., &c., Ottawa.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, August 1, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 28th of July, in reply to my note to you of the 12th of the same month, upon the subject of the arrest within the United States of John Chapell, a de-

serter from the Canadian gunboat Michigan, and to inform you that your explanation of the matter is very gratifying and entirely satisfactory to this government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, August 4, 1866.

SIR: I beg your attention to the enclosed extract from a communication of the 20th ultimo, from D. Thurston, esquire, the United States consul at Toronto, relating particularly to the case of John Sheridan, now under arrest in Canada on a charge of Fenianism, and relating generally to the position of all persons claiming the protection of the United States who are similarly held, and against whom sufficient proof has not been adduced to support the charges of complicity in the late movement.

I trust that there will be no further delay in any cases coming within that category, in the liberation of the parties.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Thurston to Mr. Seward.

[Extract.]

No. 114.] UNITED STATES CONSULATE, *Toronto, July* 20, 1866.

SIR: I have the honor to transmit the enclosed letter from D. C. Wiley, from Lansing, Michigan, who has been employed by the friends of John Sheridan, now in prison here, on a charge of being a Fenian, as his attorney.

I beg to say that it seems a great injustice to these parties claiming to be American citizens, and against whom no proof that they are or ever were Fenians exists, that they should be so long confined in prison without trial, or that they are not discharged on the evidence submitted to the government of Canada of their innocence. It is reported that the government intend to send the prisoners before a military tribunal. * * * *

I am, with respect, your obedient servant,

D. THURSTON, *United States Consul.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Wiley to Mr. Thurston.

[Extract.]

TORONTO, *July* 20, 1866.

DEAR SIR: I desire to call your attention to the case of a citizen of the United States now confined in jail at this place by the name of John Sheridan, charged with Fenianism. His father and brothers are citizens of the United States, and reside in Ingham county, in the State of Michigan. At the request of his father I came from Lansing, Michigan, to investigate the case, and find that the accused had been working on a railroad in Pennsylvania during last spring, and had just engaged to work upon a railroad in the State of Illinois as an overseer, and had made his preparations to enter upon the work, when a slight circum-

stance brought him in contact with the Canadian officials, and thus his arrest, which was as follows:

Some time previous to his arrest he had become acquainted with a young lady residing at or near Fort Erie by the name of Fowler, to whom he was engaged to be married; that, hearing of the Fenian raid at Fort Erie, he naturally felt concerned for the welfare of the young lady, and twice telegraphed to her at Fort Erie, inquiring after her welfare; but not hearing from her, he then telegraphed to a friend at Buffalo, but received no direct tidings from her. This, I think, was the 2d of June. He then came to Buffalo, and on the 5th of June procured a pass from the British consul to visit Fort Erie to see her. He then went over to Fort Erie; but, before he had been there one hour and a half, he was arrested and sent to this place, where he has been confined. He was arrested standing on the hotel steps, where he had gone to inquire for Miss Fowler. Unarmed, and quietly pursuing his own business, by the permit of the British consul, he was taken, and has since been confined as a prisoner.

The charge against him is by a detective, who says Sheridan identified himself with the Fenian movement in February last while at Fort Erie.

I have had a personal interview with him to-day, and he absolutely denies ever having been a Fenian, or having been in the least manner identified with the movement.

He has the pass from the British consul, and a pass on the railroad to take him to his place of employment in Illinois. He also has the telegram received from his friend at Buffalo, and the correspondence from Miss Fowler, all of which show conclusively that he had no part in the Fenian movement, and was in Canada for no other reason than as before stated.

* * * * * *

Yours respectfully,

D. C. WILEY, *Lansing, Michigan.*

D. THURSTON, Esq., *United States Consul.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, August 6, 1866.

SIR: Referring to my communication of the 16th of July last, and to your note of the same month, upon the subject of the detention of James Diamond in the Old Jail at Toronto, I have now the honor to enclose, for the consideration of her Majesty's government in Canada, additional evidence in the favor of Mr. Diamond, who, it appears, has been, previous to his capture by the Canadian authorities, a faithful soldier in the service of the United States.

Requesting you to return the original papers to me after you have satisfied yourself as to their contents,

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, August 9, 1866.

SIR: I have the honor to enclose for your information a letter of the 21st ultimo, and its accompaniments, in regard to the case of John McMahon, a Catholic priest, who, it appears, was arrested in Canada by her Majesty's authorities during the late Fenian invasion of that province, and is now detained in prison in Toronto on suspicion of complicity with the movement. It is stated in the papers which accompany this communication that McMahon is a naturalized citizen of the United States, and that he is not a member of the Fenian

association. Under these circumstances, I desire to avail myself of your good offices to bring the matter to the attention of the government of Canada.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

P. S.—I will thank you to return the original papers whenever you shall have satisfied yourself as to their contents.

Mr. McMahon to Mr. Frazee.

TORONTO, *July* 21, 1866.

DEAR SIR: I have received your kind letter of the 17th, which gave me much pleasure to hear from you, and that you have not forgotton me, although now a prisoner in jail, but I thank God that I never was guilty of any crime that I should be in jail for. However, I am in now, but, thanks be to God, I am innocent of being a Fenian, for no priest can be a Fenian. I must tell you how I became to be in prison. I had a brother who was a rich storekeeper in Montreal, who died about three years ago; he never had any family, only his wife. Before he died he brought in the executors, and made his will; he had four brothers and one sister living there; he left his legacy to be divided among these, his wife and the orphans of St. Patrick's church, Montreal. I having heard that the Fenians were going to take Montreal, I thought that I would go and see my sister-in-law, for fear that she would be in any trouble, as she thought that I would go to see her every summer since my brother died; so I left home on the 30th of May, came into Buffalo on the 31st, crossed over to Fort Erie on the 1st of June to take my passage for Montreal, as the Grand Trunk railroad comes to Fort Erie. I was just going to the office to get a ticket when there came a large number of Fenians, and took me by force, as that there was not any train going out that day to any place, and the steamboat that crossed me over had stopped. I had to stay there. The next day the fighting began, and no chance to get away, so I had to stay until I was taken.

On Sunday, the 3d day of June, the British soldiers came to the house where I was stopping, waiting for the train to come. They asked me my name, and where I lived; I told them; they then took me with them on the suspicion of being a Fenian; they took me to their camp ground, and kept me there the most part of that day. It seemed as if it was for exhibition for the troops and all the people to come and see the Roman Catholic priest that they had got. You would think they never saw one before; but to make a long story short, I suffered for the ten first days more than you would like to hear, and all for no reason. You mentioned that you would write to Washington; I hope you will, and make no delay, and mention in your letter that I will go straight as soon as I can to Washington, and satisfy the government both there and here that I never was a Fenian, and then the Catholic church, and then forget and forgive all my enemies, for it seems that they don't know themselves, nor what they do. So we look for nothing but cruelty; there is no other appearance. When you write to Washington, you can tell them that I declared my intentions upwards of twenty-five years ago, in the marine court in New York city, and all the time since observed the rules and laws of the country. I heard that Governor Morton has witten for me, but do you all you can, and as soon as you can, and please write to me when you get this. The people in Winchester did well for me; Union, Muncie, Anderson, Middletown, the same. Hence, I am very thankful to you and all my friends. Hoping to hear from you soon, I remain your humble servant and faithful friend,

REV. JOHN MCMAHON.

Mr. W. D. FRAZEE.

STATE OF INDIANA, *County of Randolph:*

We, the undersigned, have been acquainted with the above-named John McMahon for some years past; we have known him intimately, living in the same part of the city a portion of the time, and being intimate with him all the time; we were intimate with him until he left here in May last, and we never have heard him say anything on politics, and we feel satisfied that no one else ever has. He is an American citizen, and has been for more than twenty years, having declared his intention in marine court, New York city, about the year A. D. 1841. We have heard the letter herewith attached, written by him from Toronto, the 21st July, A. D. 1866, and are satisfied of the truth of it. He told us before he left

Winchester that he was going to see his sister-in-law, and we knew about his brother departing this life; and the facts set forth in that letter by him we feel assured are true. We never have heard him speak favorable of the Fenians. This July 28, 1866.

PATRICK McLANE. [SEAL.]
DENNIS LENNON. [SEAL.]
JOHN LACY. [SEAL.]
EDWARD LENNON. [SEAL.]

WINCHESTER, RANDOLPH COUNTY INDIANA,
July 28, 1866.

STATE OF INDIANA, *Randolph County, ss:*

Subscribed and sworn to before me this July 28th, 1866. I also certify that the persons whose names are hereunto attached are persons who live near me, in the city of Winchester, and I consider them men of good character for truth and veracity.

WILLIAM D. FRAZEE,
Justice of the Peace.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, August 24, 1866.

SIR: Referring to your communication of the 25th of July, and to my reply of the 31st of that month, relative to the intention of her Majesty's government to terminate the present postal convention between the two countries on the 1st of January, 1868, simultaneous with the expiration of the Cunard contract, and at the same time expressing the readiness of her Majesty's government to enter into negotiation for a new and improved postal arrangement, I have the honor to transmit herewith a copy of a letter of the 6th instant from the Postmaster General, from which it will be seen that he is prepared to receive and take into consideration such proposals as her Majesty's postal authorities may desire to offer.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, *&c., &c., &c.*

Mr. Randall to Mr. Seward.

No. 9518.] POST OFFICE DEPARTMENT,
Washington, August 6, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, transmitting copy of a communication of the 25th ultimo from Sir Frederick Bruce, giving notice as provided by article 22 of the postal convention between the United States and the United Kingdom of Great Britain and Ireland, signed at London on the 15th of December, 1848, of the purpose of her Majesty's government to terminate said convention on the 1st of January, 1868, simultaneously with the termination of the Cunard mail subsidy contracts.

I have the honor to request that you will please inform his excellency, the British minister that this department has received, with satisfaction, this notice for terminating the existing convention, accompanied by an expression of the readiness of her Majesty's government to enter into negotiations for a new and improved postal arrangement to be carried on directly between the post departments of the two countries, and that I am prepared to receive and consider such proposals as the British post department may desire to offer as a basis of a new arrangement, securing to the public of both countries the advantage of reduced rates of postage and increased mail facilities.

I am very respectfully your obedient servant,

ALEXANDER W. RANDALL.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, August 24, 1866.

SIR: I have the honor to transmit to you a copy of a letter of the 17th instant, which is addressed to this department by the wife of the Reverend David F. Lumsden, of Nunda, in the State of New York, from which it appears that he is now held in confinement at Toronto, Canada, on suspicion of having been a Fenian spy. Upon an examination of the list of prisoners who have been bailed, or have received permission to apply for bail, a copy of which you were good enough to leave with me a few days since, the name of the person above referred to does not appear therein. I will consequently thank you to invite the considerate attention of the Canadian government to the subject.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mrs. Lumsden to Mr. Seward.

NUNDA, *August* 17, 1866.

SIR: I write you, asking, if consistent with the duties of your office, your interference in behalf of my husband, the Rev. Daniel F. Lumsden. He has been a prisoner, first at Brantford, now at Toronto, for eleven weeks, arrested on suspicion of being a Fenian spy. If he is, as I believe him to be, innocent of any complicity with the Fenians, I suppose it is the duty of his government to demand his release. The facts of his arrest as he has written me are these, though I would first say that no British subject could be more opposed to the Fenian movement, more bitter against the movers, than he has been from the first. He was in Buffalo on business with Bishop Coxe during the week of the raid into Canada, having little to do, waiting the action of the bishop in an ecclesiastical matter. On the Tuesday previous to the raid he crossed to Fort Erie to see the clergyman there, Rev. Mr. Greenham, and spent the night at the hotel there, forming the acquaintance of several gentlemen of the place, and in the evening returned to Buffalo. On Friday morning, on coming down from his room he heard that the Fenians had crossed the river and were in possession of Fort Erie, and in company with other of the citizens walked down to the river to see what could be seen from this side, not then thinking of crossing; but seeing the Fenians directly in the rear, as it seemed to him, of Mr. Greenham's house, he thought he might be of some service to him. He with this intention crossed and offered his assistance; but Mr. Greenham's family had already crossed the river, and finding he could be of no assistance to him, he walked up the street, and finding the people much alarmed and some in real trouble, did what he could to relieve them. At one place, seeing a Fenian about to take a horse from a young lady, a Miss Thomas, he interfered and saved the horse. The mother, Mrs. Thomas, then asked his assistance or protection, being alone and threatened with plunder. He says she held in her hand a piece of paper with a man's name on it which she thought of no value. To make it more formidable, and to quiet her fears, he wrote something on it and signed his name to it. This paper, it seems, is used as evidence against him. Going on and finding a brother Scotchman in trouble, he attempted to relieve him. They had camped on part of Mr. Newbigging's farm, and were plundering him, stealing his horses, &c. For him he offered to go into the Fenian camp and state the case to the commander. Did, and was taken by the commander O'Neil for the clergyman of the place. He regretted the plunder, but could not give up the horse. The plunder continuing, he went a second and a third time, getting a guard for the house, but rendering himself obnoxious to the Fenians, one of whom threatened to shoot him should he come again. Afterwards, however, on Mr. N.'s cattle being driven into camp, he went with Mr. N., and after O'Neil had ordered the cattle driven back he turned to him and said "You are interfering too much; my men have marked you; your life is in danger, and I advise you to leave at once"—himself guarding them out. After this he returned to Buffalo, and that morning after the Fenians had left the place he crossed to see how his friends had been treated through the night, and was then arrested, though not till he had been warned by Mr. Newbigging that the people were suspicious of him and advised by him to return to Buffalo.

If he is an innocent man it is time his government demanded his release. If they fancy they have any proof against him it is time they gave him a trial. He was not taken in arms against them nor with Fenians.

His family need him. We have four little ones and are entirely without means of support, besides being among strangers, for we had been here only two weeks when Mr. L. left home. For our support we have been entirely dependent upon my friends.

Asking your immediate attention to this, I remain, respectfully,

MRS. D. F. LUMSDEN.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *August* 28, 1866.

SIR: Under instructions from her Majesty's principal secretary of state for foreign affairs, I beg to state, for your information, the following circumstances connected with the distribution of the money received from the Japanese government on account of the Simonoseki indemnity.

It appears that the second and third instalments of this indemnity, amounting altogether to one million dollars, were divided equally by the representatives of the United States, France, the Netherlands, and Great Britain, without reference to the admitted special claims of the three first-named powers. These claims, however, which reached in the aggregate the sum of one hundred and forty thousand dollars, left, properly speaking, only eight hundred and sixty-thousand dollars to be equally divided among all the four powers. The share falling to Great Britain should consequently have been two hundred and fifteen thousand dollars instead of two hundred and fifty thousand dollars, which she actually received, and the surplus thirty-five thousand dollars had therefore to be returned by her for division among the remaining three powers. With a view to adjusting this error, I am directed to state that orders will be immediately sent to the proper officer in Japan to pay to each of the representatives of the United States, France, and the Netherlands in that country the sum of eleven thousand six hundred and sixty-six and two-thirds dollars, that being the third of the amount received by Great Britain in excess of her proper share of the indemnity in question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *September* 3, 1866.

SIR: On receipt of your note of the 24th ultimo, I forwarded to his excellency the governor general of Canada a copy of Mrs. Lumsden's letter, stating the circumstances under which her husband was arrested as a Fenian raider, and I at the same time requested that the case might be investigated, as Mr. Lumsden's name did not appear on the list of prisoners who had been permitted to give bail. I have now the honor to inform you that Lord Monck, in replying to my despatch, says that the sworn depositions against the prisoner in question are such as to render it imperative that he should stand his trial. His excellency adds that it is intended to bring to trial without delay all the prisoners who have been arrested on charges connected with the late incursion at Fort Erie.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, October 22, 1866.

MY DEAR SIR FREDERICK: I commend to your attention the enclosed copy of a petition on behalf of Patrick O'Neill, a minor, who is alleged to be detained at Toronto on suspicion of being implicated in the late Fenian demonstration.

In view of the circumstances set forth in the petition, I trust that, through your kind offices, the young man may be released and permitted to return to his relatives.

I remain, my dear Sir Frederick, very faithfully yours,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

To his Excellency ANDREW JOHNSON, *President of the United States:*

The undersigned, citizens of Cincinnati, would most respectfully represent to your Excellency that on or about Sunday, June 3, 1866, a minor named Patrick O'Neill, aged seventeen years, was captured in the vicinity of Fort Erie, Canada.

That said O'Neill is now held as prisoner in Toronto on suspicion of being engaged in the late Fenian movement against the peace of the Canadian people and the authority of the British government.

Your petitioners would further represent that the parents of said prisoner are respectable, law-abiding citizens: they are aged, infirm, and in destitute circumstances; that said prisoner, being their oldest child, was their principal support, and the absence of his labor for the past four months has caused undue hardships to said parents.

For these, and many other reasons, the undersigned do fervently pray that your Excellency may, through your high prerogative, intercede with the Canadian authorities for the immediate release of said Patrick O'Neill.

In consideration of his youth your petitioners are convinced that, as the ends of justice have been satisfied by his long imprisonment, the dictates of humanity, prompted by sympathy for his aged and suffering parents, his age, and consequent ignorance of the magnitude of the crime he is charged with, justify the hope that your Excellency may be enabled to present the matter to the Canadian authorities, with the request that a spirit of mercy and forgiveness be extended in the present case. To the end that the prisoner may be restored to his liberty and return to his home, convinced of his former error, is ever the prayer of—

A. HICKENLOOPER,
GEO. W. NEFF,
LEN. A. HARRIS,
BASSETT LANGDON,
J. P. SAUNDERS,
J. J. QUINN,
M. P. GADDIS,
R. B. CARPENTER,
JOS. E. EGLY,
PETER J. SULLIVAN,
THEO. COOK.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, October 22, 1866.

MY DEAR SIR FREDERICK: Permit me to invoke your early attention to the case of John Sheridan, the subject of the letter of the 21st of July last, addressed to Mr. Thurston by Mr. Thomas Barry, a copy of which is enclosed. Should there be insufficient evidence against the man, it is not doubted that he will be promptly released; but if it shall appear that he has been concerned in the recent Fenian demonstrations, I trust that the case may be dealt leniently with; and I shall thankfully appreciate such good offices to that end as you may be able to afford.

Very faithfully yours,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Barry to Mr. Thurston.

Re JOHN SHERIDAN.

TORONTO, YORK CHAMBERS,
July 21, 1866.

DEAR SIR: In this matter I was engaged professionally by the prisoner (a suspected Fenian) to apply for his admission to bail, on a charge of treason. I prepared the necessary papers and applied to the chief justice of the court of queen's bench for bail and *habeas corpus*, but both were refused by him. The only evidence against him is that of one Detective Armstrong, who states that in February last he was in Fort Erie, saw the prisoner there, who said he was a Fenian, and was in Canada for the purpose of getting places in which to store arms to be brought from the United States; that Armstrong attended a Fenian meeting with prisoner at that time, and he reported the facts to the collector of customs at Fort Erie. The collector corroborates the fact as to the report. The prisoner was arrested at Fort Erie on the 6th of June last, which place he visited by written pass of her Majesty's consul in Buffalo, for a peaceable purpose. The pass bears that date, 6th June last. The prisoner lived and was employed in the United States for some considerable time previous to his arrest.

He has lately been removed to the new jail here and incarcerated with the other suspected Fenian prisoners.

I would feel obliged by your bringing the prisoner's case under the notice of your government, as the case is one of great hardship, in which I think they should interfere.

I am, sir, with deep respect, very truly yours,

THOMAS BARRY,
Solicitor for Prisoner.

D. THURSTON, Esq., *United States Consul, Toronto.*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, October 27, 1866.

SIR: It is understood that Robert B. Lynch and John McMahon have been recently convicted in a colonial court of Canada, and sentenced to death, upon a charge that, being citizens of the United States, they were actors in the assault made in the month of June last at Fort Erie, in that colony. It can hardly be necessary to direct your attention to the fact that the government of the United States is required, by the highest considerations of national dignity, duty, and honor, to inquire into the legality, justice, and regularity of the judicial proceedings which have thus taken place; and that, after making such a careful scrutiny, we shall expect to make known to her Majesty's government such opinions as the President, upon due consideration, shall adopt.

With this view the United States consul at Toronto is this day instructed to procure, for the information of this department, a copy of the record of the trial and conviction of Lynch and McMahon, and also of all further trials and convictions of a similar character which shall take place in Canada.

While no unnecessary delay in the examination of the cases which are thus expected to come before this government is intended, it may nevertheless happen hereafter that delays unavoidably result from past incidents, or from future events which cannot now be foreseen.

I have now the honor to request you to take such proceedings as you may think proper, to the end that such applications of the consul shall be promptly granted.

The President directs me to assure you of his confident hope that her Majesty's government will not only cheerfully comply with the request I have thus made, but that they will think it proper also to examine the judicial proceedings aforesaid with a careful regard to the rights of the United States, and to the maintenance of good relations between the two countries. Such relations are always difficult and delicate in states that are adjacent to each other, without being separated by impassable borders. For this reason it would be very

gratifying to the President if you should be able to give me an assurance that the execution of the sentences pronounced upon convicted persons will be suspended if occasion for delay shall arise, in the manner before mentioned, to make it desirable. Finally, I deem it proper to say that the offences involved in these trials are in their nature eminently political.

It is the opinion of this government that sound policy coincides with the best impulses of a benevolent nature in recommending tenderness, amnesty, and forgiveness in such cases.

This suggestion is made with freedom and earnestness, because the same opinions were proposed to us in our recent civil war by all the governments and publicists of Europe, and by none of them with greater frankness and kindness than by the government and statesmen of Great Britain. I am very sure that you will find that these recommendations of a policy of clemency and forgiveness, in the case of the parties concerned, are in entire harmony with all the suggestions and representations which this government has made to her Majesty's government in regard to the border aggressions which have been made on the Canadian frontier, and that they are also in harmony with the proceedings which this government has thought it just, wise, and prudent hitherto to pursue in regard to the violation of its own neutrality laws, which was involved in those aggressions.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Sir F. Bruce to Mr. Hunter.

WASHINGTON, *November* 3, 1866.

SIR: Her Majesty's government have recently had under their consideration the proceedings and finding of a court held at Swatow to inquire into the circumstances attending the loss of a British bark, Electricity, which vessel was totally wrecked on the Sal Rock, off Namoa, on the 14th of June last. Their attention has also been called to the circumstances that the Mischief, of Belfast, was lost in almost the same place on the 5th of May, 1865; and the British consul at Swatow reports that, in his opinion, a good light on the adjacent Cape of Good Hope would, in all probability, have prevented the loss of both these vessels, and would be of great service to vessels frequenting those seas.

In this opinion her Majesty's government concur, but it appears to them that the dangers which at present attend the navigation of the China seas, as evidenced in the cases above referred to, suggest the question whether the time has not arrived for nations who have commercial relations with China to represent, through their respective legations to the government of that country the importance of the subject, and the mutual benefits which would arise were the Chinese government to undertake, as one of its regular functions, the exhibition of lights, placing of buoys, &c., in such places on the coast of the Chinese empire as may have been shown to require them.

It will, doubtless, not have escaped your recollection that Japan, in her recent commercial treaties with foreign powers, has undertaken to construct lighthouses and lay down buoys, with the view of facilitating the navigation of her coasts and harbors, and considered both as a matter of principle as well as of practice.

Her Majesty's government conceive that an effort should be made to induce the Chinese government to adopt a similar course. I am accordingly directed

to express the hope of her Majesty's government that the government of the United States will be disposed to instruct its representative at Pekin to join with her Majesty's minister in pressing this matter upon the attention of the Chinese government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM HUNTER, &c., &c., &c.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *November* 15, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, relating to the sentences of death passed on R. B. Lynch and J. McMahon in Canada, and stating the views entertained by the government of the United States on the various considerations of law, policy, and humanity which might be expected to arise in the course of the trials of the individuals concerned in the raid committed on Canada last spring.

Immediately on receipt of that note, I transmitted a copy of it to her Majesty's government, and I await their instructions before entering at length upon the several and weighty subjects contained in it.

The course pursued by the Canadian government in bringing these cases before the regular tribunals of justice, thus securing to the prisoners the full protection the law affords to the accused, and the readiness shown by them to communicate all such documents to the consul of the United States as may throw light on the justice of the sentences and the regularity of the proceedings will, I trust, satisfy the government of the United States that, while vindicating, the majesty of the law, the authorities do not conduct the prosecutions in any vindictive or harsh spirit. I am, moreover, authorized to state that the whole question of the disposal of such of the prisoners as may be convicted has been referred for decision to her Majesty's government, who will certainly be animated by the desire so to deal with it as to secure peace and harmony between populations living in such immediate proximity and separated by a long frontier so easily traversed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD. &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, November 15, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, in reply to one of the 27th ultimo from this department, relative to the case of the Fenian prisoners condemned to death in Canada. I am pleased to learn from that note that the entire question of the disposal of such of the prisoners as may be convicted has been referred to the decision of her Majesty's government, and in reply to state that the considerate course adopted by the Canadian authorities is duly appreciated by this government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, November 20, 1866.

MY DEAR SIR: I beg leave to ask your attention to a copy of a despatch which has just been received at this department from Mr. Thurston, United States consul at Toronto, and the correspondence appended to the same.

From these papers I learn that although the government of Canada very cheerfully announced its determination to comply with the wish of this government for a copy of the records of convictions in the so-called Fenian cases in Canada, yet that some difficulties have arisen there in regard to the furnishing of the testimony taken in the several cases, which need to be removed.

It can hardly be necessary to say that the records, without the testimony, would be of no use in enabling this government to ascertain the regularity, legality, and justice of the convictions.

It must be equally unnecessary to say that the saving of time is of essential importance in this matter, insomuch as the 13th day of December next is understood to be fixed for carrying into execution the sentence of capital punishment.

I think that the difficulties to which I have alluded are merely technical, or legally professional, and it is supposed that they could be promptly removed by an order from the executive government of Great Britain, or from that of Canada. In this belief I make this communication informal, not doubting that you will cheerfully bring the subject to the notice of the Canadian authorities.

I am, my dear sir, yours very faithfully,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, November 26, 1866.

SIR: I have the honor to enclose a copy of a letter of the 13th instant from his excellency Paul Dillingham, the governor of the State of Vermont, and the original certified copy of a joint resolution of the legislature of that State, on behalf of Robert B. Lynch, John McMahon and others, convicted of treason against the government of Great Britain in Canada. I also enclose a copy of a similar communication of the 15th instant to the President, consisting of a letter from A. H. Boerman, esq., the city clerk of the city of Chicago, Illinois, and a certified copy of a preamble and appeal of the common council of that city on behalf of Robert B. Lynch and John McMahon.

I beg that you will be so good as to communicate these papers to his excellency the governor general of Canada, and copies of them to those of her Majesty's authorities whose province it may be to deal with the subject thereof; and I will thank you to make known the desire of this government that they may receive favorable attention.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

Gov. Dillingham to President Johnson.

STATE OF VERMONT,
Executive Chamber, Montpelier, November, 13, 1866.

DEAR SIR: By the direction of the legislature of Vermont, I enclose herewith a preamble and joint resolutions, passed by them at their present session, addressed to the executive government of Canada, on the subject of convicted Fenians.

Will you be so kind as to forward these resolutions to the governor general of Canada, adding such words in their favor as shall seem to you proper? I am happy to know that we are all in accord on this subject of saving these brave but mistaken men from capital punishment.

Please accept my personal regards, and believe me, your obedient servant,

PAUL DILLINGHAM,
Governor of Vermont.

ANDREW JOHNSON,
President of the United States.

JOINT RESOLUTIONS relating to the pardons of Robert B. Lynch, John McMahon, and others.

Whereas Robert B. Lynch and John McMahon, citizens of the United States, have been recently convicted in a Canadian court, and sentenced to death upon a charge that they were parties in the attack made in the month of June, A. D. 1866, at Fort Erie, in the province of Canada; and

Whereas other citizens of the United States are held for trial upon charges for similar offences against the Canadian government; and

Whereas we believe that if the lives of the persons charged and convicted could be spared, through the humane and generous action of the Canadian government, it would do more to allay the animosity felt towards the English government by the countrymen of said Lynch and McMahon, and to secure immunity against further aggressions, than a rigid execution of the law: Therefore,

Resolved by the senate and house of representatives, That we, prompted by the same benevolent spirit which has moved the government and statesmen of Great Britain to apply for clemency in behalf of their subjects under similar circumstances to the United States government, in no unfriendly spirit, most earnestly recommend tenderness, amnesty, and forgiveness on the part of the Canadian government towards the persons charged and convicted.

Resolved, That the governor of this State be requested to cause a copy of this preamble and resolution to be transmitted to the President of the United States, as the expression of the sentiment of the legislature of the State of Vermont; and that the President of the United States be requested to transmit the same to the governor general of Canada, commending the subject-matter thereof to the earnest consideration of the Canadian government.

JOHN W. STEWARD,
Speaker of the House of Representatives.
A. B. GARDNER,
President of the Senate.

STATE OF VERMONT,
Secretary of State's Office.

I hereby certify that the foregoing is a true copy of a joint resolution adopted by the general assembly at its annual session, A. D. 1866, as appears from the files and records of this office.

In witness whereof I hereunto subscribe my name and affix the seal of this office, at Montpelier, this twelfth day of November, A. D. one thousand eight hundred and sixty-six.

[SEAL.] GEORGE NICHOLLS,
Secretary of State.

CITY CLERK'S OFFICE,
Chicago, November 15, 1866.

SIR: I am directed by the common council of the city of Chicago to send to your excellency a certified copy of the action thereof, in relation to the accompanying preamble and appeal.

Respectfully, &c.,

A. H. BODMAN, *City Clerk.*

His Excellency ANDREW JOHNSON,
President of the United States of America.

IN COMMON COUNCIL, *November* 5, 1866.

Alderman Talcott presented a preamble and appeal in relation to the late conviction, by a Canadian jury, of Colonel R. B. Lynch and John McMahon, priest, for an alleged act of treason against the rights and privileges of the Canadian government, and their having been sentenced to death under the aforesaid convictions.

Alderman Clarke moved the passage of the preamble and appeal.

The mayor directed the ayes and noes to be called, and the motion of Alderman Clarke prevailed by the following vote:

AYES.—Aldermen Knickerboker, Carter, De Wolf, Wicker, Barrell, Wilmarth, Calkins, Kaun, Finnucan, Hatch, Wallworth, Moore, Schuyler, Talcott, Woodard, Bixly, Holden, Russell, Ackhoff, Gastfield, Proudfert, Enzel, Shackford, Lawson, Clarke—25.

NOES.—None.

The preamble and appeal passed, are as follows:

Whereas Colonel Robert B. Lynch and the Rev. John McMahon have been tried at Toronto, Canada, and condemned to be hanged as participators, aiders, and abettors in aid of an alleged armed invasion of Canadian soil by persons and citizens from the United States; and whereas, as far as we are advised or can learn, no positive proof was adduced upon said trials of the participation in the said invasion, by them or either of them, and it is a well established fact that the former was there as a spectator and correspondent, and the latter, as in duty bound by his most sacred obligation as a minister of God, in the discharge of those important Christian duties which pertain to his high and holy calling, and especially to administer spiritual consolation to persons professing a like Christian faith with himself; and whereas the offence charged against these men is only political in its character; and as the subjects of Queen Victoria, both in Canada and in England, have urged upon our government mercy and clemency in the treatment of prisoners whose offence, unlike that charged against these men, was not political, but that of rebellion and treason against their own government: therefore, pleading the precedent sought to be established by Englishmen and Canadians, and following their example, we, as the common council of the city of Chicago, and the representatives of the citizens, do appeal to the English government, through the legally constituted authorities in Canada, and urgently and respectfully ask that the clemency so frequently and persistently sought by British subjects for rebel prisoners in our hands, be by them and their government extended at this time to the Rev. John McMahan and Colonel R. B. Lynch.

And we do most respectfully request his Excellency the President of the United States to take such action in the premises as this government may legally adopt in behalf of these citizens of the United States, to relieve them from the extreme penalties of the law as administered by Canadian court and jury.

Alderman Knickerbocker moved that the clerk be instructed to send certified copies of the preamble and appeal, just now passed, to the governor general of Canada and the President of the United States. Carried.

STATE OF ILLINOIS, *city of Chicago, ss:*

I, A. H. Bodman, clerk of the city of Chicago aforesaid, do hereby certify that the above and foregoing is a true copy of a preamble and appeal passed by the common council November 5, A. D. 1866.

I further certify that I am intrusted with the safe-keeping and custody of the preamble and appeal of which the above and foregoing is a true and certified copy.

Witness my hand and the corporate seal of the city of Chicago this 15th day of November, A. D. 1866.

[SEAL.] A. H. BODMAN, *City Clerk.*

Sir F. Bruce to Mr. Seward.

WASHINGTON, *November* 27, 1866.

SIR: I have the honor to acknowledge the receipt this morning of your note of yesterday's date, covering resolutions which have been passed by the legislature of the State of Vermont, and the common council of the city of Chicago, on behalf of Robert B Lynch, John McMahon, and others, convicted of treason against the government of Great Britain in Canada.

In compliance with your request I have forwarded the documents to his excellency the governor general of Canada, and copies of the same to her Majesty's government.

I may state, however, that in accordance with a recommendation to that effect from her Majesty's authorities in Canada, instructions have been given by the home government not to carry out the capital sentences passed on the convicts Lynch and McMahon; and from my knowledge of the sentiments of the governor general of Canada, I entertain no doubt that the other prisoners against whom sentence of death has been recorded will enjoy the benefit of a similar recommendation, and that her Majesty's government, in revising their sentences, will be actuated by a like spirit of clemency.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

FRANCE.

Mr. Bigelow to Mr. Seward.

No. 197.] LEGATION OF THE UNITED STATES,
Paris, November 20, 1865.

SIR: I received some time since information from persons interested, that there was a sum of money in dispute at Montpelier, to which the United States were supposed to have some claim. The object of my informants was to obtain from me some expression which might be construed into a relinquishment of such claim. My refusal to answer their inquiries in that sense induced the direct application, of which I enclose a translation, from the agent of the notary in whose hands the deposit now lies.

From this memorandum it will be seen that Mr. Grasset, notary at Montpelier, is in possession of 20,000 francs, deposited on the 8th of April, 1863, by an engineer named Raymond Thomassy, to secure the payment of wages to four French salt-makers whom he had hired to assist in the execution of a contract made with the insurgent government at Richmond, 8th January, 1863, to work the salt lands of Clarke county, in the State of Alabama. Thomassy having died on the journey at Havana, and the workmen having returned to France, they now claim the payment of the sum deposited by him as compensation for their lost time and labor. Grasset, the notary, declines paying them the money, as it was deposited with him to be paid only on the certificate of the insurgent government, and as he apprehends a reclamation on the part of the United States, the parties now desire a formal relinquishment of the claim by our government.

As the money appears to have been advanced by Thomassy in pursuance of a contract that never was executed, and as the laborers never reached the United States, our claim, if made, would probably lead to litigation, the result of which might be doubtful.

I have the honor to submit the matter for your consideration and to request your instructions in regard to it.

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Mancomble to Mr. Bigelow.

PARIS, *November* 17, 1865.

SIR: You have requested of me a memorandum in relation to the affair of the salt-makers, of which I had the honor to speak to you yesterday morning. I hasten to furnish it.

The following are the circumstances under which was deposited in the hands of Mr. Grasset, notary at Montpelier, the sum of 20,000 francs, the delivery of which is now desired by parties interested:

By the terms of an agreement made at Richmond, the 8th of January, 1863, with the general commission of subsistence of the Confederate States of America, Mr. Raymond Thomassy, engineer, engaged to furnish to Captain Grant, engineer, of the Confederate States, the plans, specifications, and instructions necessary to the working of the salt lands situated in Clarke county, Alabama.

He was also to come to Europe and engage for the service of the confederate government five workmen, skilled in the manufacture of salt, and to return with them to the place of the projected works, of which he was to be superintendent.

Mr. Raymond Thomassy came to France and hired four workmen, Clot, Clerc, Marchandon, and Stobiac. To gain the confidence of these workmen, a sum of 20,000 francs was deposited the 8th of April with Mr. Grasset, the notary who framed the articles of agreement, who pledged himself not to deliver it to the said workmen except on a certificate from the confederate government that they had fulfilled their obligations.

They set out, and Mr. Thomassy died at Havana, in July, 1863.

After many vicissitudes, the salt-makers returned to France, and they still await the payment of the wages promised them.

In the name of justice and humanity, I will be obliged to you, sir, if you will obtain from your government the authorization which Mr. Grasset desires for the delivery of these funds.

This authorization should be framed in the most simple terms. I submit a form to your judgment:

"I, the undersigned, ——— ———, minister of the United States, declare personally that I will not intervene in behalf of my government in the division which may be made among those entitled to it of the sum of 20,000 francs, deposited the 8th of April, 1863, in the office of Mr. Grasset, notary at Montpelier, on account of the salt-makers, Clot, Clerc, Marchandon and Stobiac, and that I will not prosecute nor molest the said notary in the matter of said division."

I do not doubt, sir, that in your wisdom and justice you will do all in your power to give satisfaction to the claims of our countrymen. And I beg that you will accept in advance the assurance of the profound respect with which I have the honor to be, yours, most devotedly,

E. MANCOMBLE,
Advocate, 11 *Rue Lafitte*.

JOHN BIGELOW, Esq.

Mr. Bigelow to Mr. Seward.

No. 198.] LEGATION OF THE UNITED STATES,
Paris, November 20, 1865.

SIR: The Moniteur of yesterday contained an official account of the arrival of Admiral Pareja with his fleet at Valparaiso, on the 17th of September last, and the correspondence which had passed between him and the Chilian government up to the 24th of that month.

I felt impelled to call at once upon Mr. Rosales, the Chilian minister at this court, to express my surprise and regret at the apparently harsh and unreasonable conduct of the Spanish admiral, which I ventured to assure him would produce a very painful impression in the United States. I also expressed to him the hope that his country would be able to maintain her national integrity and honor.

Mr. Rosales seemed very much gratified by my visit and by the language I had used. He proceeded to give me a history of the differences which had come to such an unexpected issue, of which you are doubtless informed long before this, and then said the war thus commenced was likely to be a long and bloody one; that in his opinion there was no chance of an arrangement. The feelings of the Chilians towards the Spaniards had become so bitter that the nation would be but as one man against the invaders, in evidence of which he gave several striking illustrations. The debt of Chili, he said, was only about $18,000,000; the admiral would not be allowed to land a man upon the coast, to take a drop of water or an ounce of coal from their territory, though he were to burn every house within reach of his guns, and that before long Chili would have vessels as formidable as those of her enemies. Mr. Rosales also informed me that special agents had already been sent to California and Washington, as I inferred, though he did not distinctly say so, to get steamers to arm.

The impression left here upon the minds of all, as you will see by the press, is most unfavorable to the Spaniards, who seem recently to have relapsed into the old predatory habits contracted two or three centuries ago by her navigators on the coast of America. The conduct of Spain since the commencement of our war is calculated to inspire a distrust of all the European states having or

coveting possessions beyond the Atlantic, and it certainly seems as if the time had come when the power of the United States should be exerted to discourage enterprises like that which has placed the Mexicans at the mercy of an Austrian prince, desolated St. Domingo, extorted $3,000,000 from Peru, and now threatens Chili with a similar outrage. More now than ever, the United States seem to be regarded, on both sides of the Atlantic, as the natural and only competent protectors of the feebler states of the New World from the cupidity of the Old. Whatever we may be prompted to do, subject always to our traditional policy of non-intervention, towards discharging the duties which our institutions, strength, and position seem to assign us in the western hemisphere, will be likely, in my opinion, to receive the most general approval, if done upon our own exclusive responsibility, or at least without complicity with any European power.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 326.] DEPARTMENT OF STATE,
Washington, December 9, 1865.

SIR: I have received your interesting despatch of the 20th ultimo, No. 198, informing me of your proceeding upon learning of the arrival of Admiral Pareja and his fleet at Valparaiso, and the correspondence which had passed between him and the Chilian government. In reply I have to thank you for the suggestions therein contained, and to inform you that the exercise of your influence in the interest of peace is approved. For more explicit instructions upon the subject, and for your information as to the attitude of the United States in this question, I have to invite your attention to my despatch* No. 324, of the 8th instant, and its accompaniments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 213.] LEGATION OF THE UNITED STATES,
Paris, December 11, 1865.

SIR: I have the honor to transmit a communication received from the minister of foreign affairs in reference to some documents which I had given him relative to the operations of the Havre agency of the American Emigrant Company. I sent these observations of Mr. Drouyn de Lhuys to Mr. Zumstein, agent at Havre of the company in question, and have received from him a reply stating that the company is compelled to discontinue its operations, "in consequence of the disbandment of nearly 700,000 able men, all desirous of finding some employment or returning to their former occupations."

I have, therefore, regarded it as unnecessary to take the subject into further consideration without instructions.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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*See instruction to Mr. Adams, No. 1618.

M. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *November* 11, 1865.

SIR: When you handed me last September a draught of a circular, and a form of emigrant's engagement, emanating from the American Emigrant Company of Havre, you were kind enough to express to me the desire to know if the French administration would have any changes to propose therein. I hastened in consequence to submit these documents to the examination of the ministers of the interior and of commerce, within whose province the questions of emigration more specially fall, and I have the honor to communicate to you an abstract of the suggestions made by those two departments.

My colleagues remark, in the first place, that the circular of the agency of the American Emigrant Company, and the form of emigrant's engagement, apply exclusively to the reciprocal engagements which are to regulate the final relations between the agency and the laborers after their arrival in America; but these two documents make no mention of the price and the conditions of the transportation of the emigrants, a question which interests more especially the emigration service in the ports of the empire.

Besides, to prevent the recurrence of difficulties which have arisen in consequence of operations of the same nature, it would seem desirable that the engagement relative to the establishment of emigrants, and the regulation of their personal debts to the company, should be invested with a purely private character, and should be independent of the simple contract of transportation. The French administration would then have nothing to do but to assure the execution of the contract of transportation in favor of the emigrants, and the company for its part, would reserve by its other engagement the means of enforcing the payment of the debts contracted by the emigrants. Still, it would be well to determine at once the proportion to be deducted from the wages of the emigrants. The figure should be fixed, according to the opinion of my department, so that the wages left to the laborer should still be in proportion to the wants of material life, in the countries where they are transported.

Consequently, the agency of the American Emigrant Company should be requested to produce—

1st. The form of engagement, completed in the sense indicated above.

2d. Another form of contract, corresponding to that of the agencies already authorized, indicating the price and the conditions of transportation.

Only this last document should be invested with the *visa* of the commissioner of emigration. The first, the use of which would be simply tolerated by the administration, would enable the commissioner to reply to all demands for information which might be addressed him by emigrants, and to assure himself, if necessary, that the engagements proposed to them should not vary from the conditions set forth in the form definitely adopted by the company.

Several copies of the two forms should be sent to the minister of the interior, to be transmitted by him, with the necessary instructions, to the commissioners of emigration.

Messrs. de Lavalette and Behie add further, that, with the exception of the preceding observations, the two documents which you have done me the honor to communicate to me, do not seem to them open to any objection.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE LHUYS.

Mr. BIGELOW,
Minister of the United States at Paris.

Mr. Seward to Mr. Bigelow.

No. 336.] DEPARTMENT OF STATE,
Washington, December 18, 1865.

SIR: I transmit to you a copy of a correspondence between Allen McLane, esq., president of the Pacific Mail Steamship Company, and this department, from which it will be seen that application has been made for negotiations with the French government for the mutual protection of the mail steamers of France and the United States in the event of war, such as have been provided in the postal convention of December 15, 1848, between the United States and Great Britain. You will be pleased to bring the matter under the consideration of Mr. Drouyn de Lhuys.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. McLane to Mr. Seward.

OFFICE OF THE PACIFIC MAIL STEAMSHIP COMPANY,
New York, November 29, 1865.

SIR: I beg leave, respectfully, to refer to your letter of October 6, 1864, in which, referring to the 20th article of the postal convention between the United States and Great Britain of December 15, 1848, relative to protection to mail steamers of both nations in case of war, you state that no provision of a similar character has been adopted with France, and in your letter of October 13, 1864, you stated that "the subject will receive the consideration from this department to which it is justly entitled."

For the information of this company, permit me now to inquire whether such protection has been agreed to between the United States and France?

Very respectfully yours,

ALLAN MCLANE, *President.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Bigelow to Mr. Seward.

No. 232.] LEGATION OF THE UNITED STATES,
Paris, December 26, 1865.

SIR: The note which I enclose from the banking-house of Bamberger & Co., received subsequently to a conversation held with me yesterday upon the topic to which it refers, illustrates the inconveniences which our national securities experience in European markets for the want of a specific undertaking by the government to pay them, when they fall due, in gold.

If the Secretary of the Treasury should have anything to say in reply to Messrs. Bamberger that would tend to diminish this difficulty in the eyes of its clients, the effect would be shared by a large circle of influential capitalists, and by a still larger, if circumstances permitted me to give to it the publicity of the press.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bamberger to Mr. Bigelow.

BANK OF CREDIT AND OF DEPOSITS OF THE LOW COUNTRIES,
Rue Dronot, No. 8, *Paris, December* 26, 1865.

SIR: Referring to the conversation which I had the honor to have with you yesterday, I have to thank you for the reception which you accorded, and for the documents which you kindly transmitted me.

Whilst no doubt can be entertained concerning the payment, in specie, of the coupons of half-yearly dividends upon the obligations of the said debt of 5-20, nothing in the text, either of the obligations or in the different acts which I have read, proves that the redemption of the same debt, either at the expiration of the twenty years or in anticipation, may not be effected in paper money, provided this paper be at that time a legal tender in the United States

It was only because you kindly empowered me, that I took the liberty to request a further explanation upon this point, if it be possible. From what I have the honor of laying before you, such an assurance, if it could be given, would certainly be an additional inducement for investing in American securities.

Accept, sir, the assurance of my most distinguished consideration,

The Director, J. B. BAMBERGER.

M. BIGELOW,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris.

Mr. Bigelow to Mr. Seward.

[Extract.]

No. 234.] LEGATION OF THE UNITED STATES,
Paris, January 4, 1866.

SIR: The reception of the diplomatic corps by the Emperor, on the first of January, passed without any incident deserving special comment. The Papal Nuncio, on behalf of himself and colleagues, tendered to their Majesties and the Prince Imperial the usual salutations of the season, to which the Emperor replied as follows:

"Every year at the same period we take a glance at the past, and then turn our thoughts towards the future; happy if we are able, as at present, to congratulate ourselves in having escaped dangers, put an end to apprehensions, and drawn closer the ties which unite populations and kings! Happy above all if the experience of events accomplished permits us to augur for the world long days of peace and prosperity! I thank the diplomatic body for the congratulations which they have the kindness to address to me on the occasion of the New Year."

The political significance of this discourse was traced in such a shadowy outline that it entirely escaped the observation of the public till pointed out, rather tardily, this morning in the Constitutionnel by the faithful Paulin Limayrac.

His Majesty then addressed every member of the diplomatic corps a few words, but nothing which has been thought to possess special significance, unless his inquiry of the Turkish ambassador if the Sultan observed New Year's day as he did, marked an absence of mind which entitled it to be considered an exception. He said to me that he hoped that the relations of France and the United States for the coming year would continue as favorable as they had been for the year just closed. I replied that no disposition was wanting on the part of my government to make them so. I then presented Colonel Hay and Mr. Pomeroy, the secretaries of this legation. The Emperor asked Colonel Hay if he had been previously engaged in the diplomatic service. The colonel replied that he had not; that he was secretary to the late President Lincoln when named for this post. The Emperor asked if the colonel was present at the President's death, and on learning that he was, characterized the crime of the President's assassination in suitable terms.

* * * * * * *

It is suggested also in official quarters that the representatives of the different governments for the universal exposition of 1867 will unite in requesting him to resume the presidency of the imperial commission; and if so, that he will do so. I hope and incline to believe that this report, in all its length and breadth, is true.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 238.] LEGATION OF THE UNITED STATES,
Paris, January 10, 1866.

SIR: I deemed the proclamation of the 18th of December, announcing the termination of slavery in the United States, marked an event of such importance, in the social and political history of the world, as to justify me in bringing it formally to the notice of the Emperor's government.

I accordingly addressed to Mr. Drouyn de Lhuys the note, a copy of which and of his reply are enclosed.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. De Lhuys.

LEGATION OF THE UNITED STATES,
Paris, January 5, 1866.

SIR: I have great pleasure in transmitting to your excellency a proclamation issued by order of President Johnson, on the 18th of December last, which announces the final extinction of slavery throughout the territory of the United States.

The past history of France, as well as my personal observation during a residence of some years among the French people, authorizes me to presume that neither they nor their government can be indifferent to an event which works such an important improvement in the social and political condition of several millions of our fellow-creatures.

I profit by this occasion to renew to your excellency the assurance of the very high consideration, with which I have the honor to be, your excellency's very obedient and very humble servant,

JOHN BIGELOW.

His Excellency Monsieur DROUYN DE LHUYS,
Minister of Foreign Affairs, Paris.

Mr. de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *January* 8, 1866.

SIR: You have had the kindness to communicate to me the proclamation by which President Johnson has definitely given his official sanction to the amendment to the Constitution of the United States relative to the abolition of slavery over the whole extent of the federal territory.

You have justly thought, sir, that neither the government of the Emperor nor public opinion could view with indifference a measure destined to ameliorate the moral and material condition of several millions of human beings. We ourselves, several years ago, took the initiative in the suppression of slavery in our colonies. We, therefore, cannot but applaud the generous sentiment which has suggested to your government a measure so in harmony with the general progress of humanity.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE LHUYS.

Mr. BIGELOW, *Minister of the United States at Paris.*

Mr. Bigelow to Mr. Seward.

No. 241.] LEGATION OF THE UNITED STATES,
Paris, January 12, 1866.

SIR: I have the honor to transmit a translation of a correspondence which has recently passed between the honorary presidents of the Comite Francaise de l'Abolition d'Esclavage and myself, in reference to your recent proclamation announcing the termination of slavery in the United States.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Guizot.

PARIS, *January* 4, 1866.

SIR: I have the honor to enclose a proclamation issued by order of the President of the United States, on the 18th of December last, which raises to the rank and privileges of freemen all persons at that date held in bondage within the territory of the United States. So great and sudden a change in the social condition of so large a number of human beings was never experienced before, I believe, as the immediate result of human legislation.

I hasten to bring this important event to the notice of your society, and to congratulate its members that the first year of its existence should have been signalized by an event so full of encouragement to the champions of universal emancipation.

I pray you to accept, sir, the assurance of my most distinguished consideration.

JOHN BIGELOW.

Mr. GUIZOT.

Mr. Guizot to Mr. Bigelow.

[Translation.]

VAL RICHER, *January* 7, 1866.

SIR: I received the letter you did me the honor to address to me the 4th instant, communicating a copy of a proclamation published the 18th of December last by order of the President of the United States, in virtue of which the rank and rights of freemen are conferred upon all who, at that time, were slaves within the territory of the United States.

In the feeling of profound joy with which this communication inspires me, I am compelled to congratulate the people of the United States and its government upon having been the chosen instrument of God to make the holy cause of the higher law of humanity to triumph. Whatever may be the difficulties and the trials which this measure may yet impose upon your country, the accompilshment of such a work is the greatest glory which a generation of men in their passage over the earth can achieve, and the greatest blessing it can leave to the generation to come. We are permitted to hope that the example given by Christian nations will become the public law of the world.

You are right in supposing that the society to which I have the honor to belong will surely congratulate itself that the first year of its existence has been signalized by an event at once so grand and so salutary.

Accept, sir, the assurance of my entire consideration and of my most distinguished sentiments.

GUIZOT.

Mr BIGELOW, *&c., &c., &c., Paris.*

Mr. Broglie to Mr. Bigelow.

[Translation.]

PARIS, *January* 12, 1866.

Mr. MINISTRE: I have received the letter by which you have done me the honor to communicate to me the act of the Congress of the United States proclaiming the suppression of slavery throughout the whole extent of the confederation.

I beg that you will accept my cordial thanks for this favor. It is with profound satisfaction that I have learned the final success of a cause which interests in so high a degree all the friends of humanity, and to which I have been happy to dedicate the greater part of the labors of my public life.

Be kind enough, Mr. Ministre, to accept the assurance of my high consideration.

V. BROGLIE.

Mr. BIGELOW, *Minister of the United States, &c., Paris.*

Mr. Bigelow to Mr. Seward.

No. 244.] LEGATION OF THE UNITED STATES,
Paris, January 19, 1866.

SIR: Recalling the communication received at this legation from the British embassy at Paris, dated December 19th, 1865, in reference to the mode of trans-

mitting the Japanese indemnity, a copy of which was enclosed in my despatch No. 226, I have now the honor to transmit to you a *note verbale*, received from Mr. Drouyn de Lhuys, advising me of what appears to be a very satisfactory settlement of all the questions growing out of the convention signed at Yokohama on the 22d of October, 1864. By this note I am advised that the representatives of the treaty powers have concluded a final arrangement for the payment of the whole indemnity, a modification of the tariffs, and new guarantees for the opening of the Hiogo. The part of the telegram communicating this intelligence which fixed the time when the Hiogo was to be opened, unfortunately was not legible.

By the same note I was advised of the proposal of the British cabinet to divide the indemnity fund equally between all the powers. The liberality of this proposal places the United States under greater obligations than any of the other treaty powers, inasmuch as our equitable proportion of it was, I believe, the smallest. I did not hesitate to embrace this proposal, subject only to the conditions by which my power was limited. Subject to the same conditions, I accepted the proposal of Great Britain to deposit the first instalment of $500,000 in the English military chest at Yokohama, and its equivalent, in sterling, at the board of treasury, in London, subject to the order of the four powers. The *note verbale* of Mr. Drouyn de Lhuys, and mine in reply, are herewith annexed. France accepts these propositions, and Holland undoubtedly soon will do so, if she has not already. Nothing will then be wanting for the distribution of the fund but the ratification of the treaty by Congress. I hope, with the ratification, to receive your instructions as to the disposition of the money that shall be placed to the credit of the United States.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Verbal Note.

The affair of the Japanese indemnity had heretofore given rise to two questions: 1st. In effecting the payment of the first instalment of the indemnity, the Japanese government had asked for a delay of one year for the payment of the second instalment. Was this request to be discarded or to be granted; or was there occasion to remit part of the indemnity; and in the two latter alternatives what compensation should we ask for in return? 2d. How should the indemnity be divided, and how should the sums paid over by the Japanese government be received?

It was thought advisable to leave the first question to be decided by the representatives of the four powers interested in Japan, acting together. The last news received from that country shows that that point must by this time be settled. Indeed, the ministers of France and England have sent to Paris and London copies of a memorandum drawn up and signed by them and their colleagues from the United States and the Netherlands, in which declaring that there would be advantage in remitting the two-thirds of the indemnity to the Japanese government, if in return it were disposed to give us the three following compensations: the opening of the port of Hiogo and of the town of Osacca to the commerce of the four powers as early as the 1st of January, 1866, the ratification of the treaties by the Mikado, and a revision of the custom-house tariff. They have decided to go to Osacca, where the government of the Tycoon had just arrived, to conclude at once, amicably, with it, the negotiations relating to this affair. Now a recent telegraphic despatch addressed by Sir Harry Parkes to the British government, under date of Shanghai, December 8, states that the Mikado had approved the treaties, a modification of the tariffs had been obtained, the opening of the port of Hiogo was again guaranteed, and the indemnity was to be punctually paid. The allied naval forces which had brought the European agents to Osacca were, therefore, sent back to Yokohama. We have now, consequently, only to come to an agreement with regard to the second question.

The government of the Emperor had thought at first that the division of the Japanese indemnity might be effected in accordance with the following plan: the two-thirds of it,

say two millions of dollars, to be divided among the four powers concerned, proportionably to the number of men employed by each, in the Simonosaki expedition; France, the United States, and the Netherlands to levy each $140,000 upon the last third as a compensation for special losses; and the remaining $580,000 to be divided into four equal shares among the four powers. The British cabinet appearing to be more in favor of an equal division of the whole of the indemnity among the four powers, the government of the Emperor makes no difficulty in adopting this plan, and is ready, should this system of division be adopted also by the government of the United States, to apply it to the $500,000 already paid in by the Japanese government as the first instalment of the indemnity. As for the manner in which each government is to receive this money, the British cabinet proposes that the $500,000 already deposited in two of the banks of Yokohama should be handed over to its commissariat chest at Yokohama, in which case an equal sum in pounds sterling would be held by the Treasury Department at London, subject to the draft of the powers entitled to share in it. If, as there is reason to suppose, this combination is not of a nature to create objections, even at Yokohama, the government of the Emperor is prepared to accept it also, and only desires to know whether the government of the United States would acquiesce in it also, in which case the plan proposed could be at once carried out.

Verbal Note.

The minister of the United States at Paris has been advised of a despatch recently addressed by Sir Harry Parkes to the British government, dated Shanghai, December 8, 1865, which states that the Mikado had approved of the treaties entered into between the government of Japan and the governments of England, France, Holland, and the United States; that the tariffs had been modified; that the opening of the Hiogo had been guaranteed anew, and the stipulated indemnity was to be punctually paid.

The minister of the United States is also advised that the English cabinet had proposed that the covenanted indemnity, as well what had already been paid as what should hereafter be paid, should be equally divided between the four treaty powers.

Assuming that the telegraphic advices from Sir Harry Parkes shall be sustained by official despatches, and that the Senate of the United States will ratify the convention at Yokohama of 22d October, 1864, the minister of the United States does not hesitate to embrace the liberal proposal of the British cabinet, if found acceptable to the other treaty powers.

The British cabinet also proposes to deposit the first instalment of $500,000 in its military chest at Yokohama, and an equivalent in sterling to the credit of the treaty powers at the treasury in London. This proposal also the minister of the United States is ready to embrace, subject always to the conditions attached to his acceptance of the preceding proposition.

Mr. Seward to Mr. Bigelow.

No. 375.] DEPARTMENT OF STATE,
Washington, January 19, 1866.

SIR: The Marquis de Montholon called here yesterday, and the first topic of conversation between us naturally was the hostile expedition across the Rio Grande and the capture of Bagdad, as reported in the newspapers. To an inquiry as to whether the department had any official information upon the subject, I replied in the negative. I added that such information was probably in possession of the War Department only, and I would at once apply to that department for it, with a view of communicating the same to you in order that you might make the explanations which will probably be expected by the French government. Accordingly, a copy of a letter of this date, addressed to this department by the Secretary of War, and of the papers by which it was accompanied, is herewith transmitted. From these it is apparent that the expedition referred to was not authorized and is not approved by any officer of this government, military or civil, and that orders have been given to put a stop to any recruiting in Texas for similar expeditions.

I am, sir, your obedient servant,

WILLIAM H SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, January 19, 1866.

SIR: In compliance with the request contained in your letter of this date for official information respecting the reported hostile crossing of the Rio Grande from Texas and the seizure of the town of Bagdad, I send herewith copies of telegraphic correspondence on the subject received by this department.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. SECRETARY OF STATE *of the United States.*

HEADQUARTERS ARMIES OF THE UNITED STATES,
Charleson, S. C., December 1, 1865.

Major General P. H. SHERIDAN, *New Orleans:*

In view of probable action by Congress on Mexican affairs, do all you can to preserve strict neutrality pending such action.

U. S. GRANT, *Lieutenant General.*

[Received in cipher, 3 p. m., 17th.]

OFFICE UNITED STATES MILITARY TELEGRAPH, WAR DEPARTMENT,
New Orleans, La., January 16, 1866—3 p. m.

Lieutenant General U. S. GRANT, *Washington:*

In the New Orleans newspapers of this date it is reported that some of the colored troops crossed over the Rio Grande to assist in the capture of Bagdad. I do not believe one word of it. Weitzel has the most peremptory orders to preserve neutrality, and I look on this crossing of the Rio Grande as a sensation story. I have no official information from that quarter.

I have sent orders to Weitzel to break up all fillibustering recruiting parties, if necessary, to preserve neutrality.

P. H. SHERIDAN, *Major General.*

[In cipher.—Time received, 9.50 p. m.]

OFFICE UNITED STATES MILITARY TELEGRAPH, WAR DEPARTMENT,
New Orleans, La., January 17, 1866—6.30 p. m.

Lieutenant General U. S. GRANT, *Commanding armies United States:*

I have directed General Wright to go at once to the Rio Grande to examine into the condition of affairs there and break up the fillibustering parties there, who are giving us much annoyance. I will probably go there myself in a day or two. Meantime but little credence should be given to published exaggerations in the newspapers.

P. H. SHERIDAN, *Major General, &c.*

[In cipher.—Time received, 10.40 p. m., January 18.]

[Extract.]

OFFICE UNITED STATES MILITARY TELEGRAPH, WAR DEPARTMENT,
New Orleans, La., January 17, 1866—1 p. m.

Lieutenant General U. S. GRANT, *Commanding armies United States:*

The following official information has just reached me from the Rio Grande: Bagdad was captured on the morning of the 15th January, between the hours of 2 and 4 a. m. The attacking force was about sixty men. They captured the Franco-Mexico garrison, about three hundred strong, one-half of which joined the liberalists and garrisoned the place.

The attacking party had all disappeared before daylight.

Neither Escobedo nor any one else had any knowledge of this transaction, but both Escobedo and Crawford posted to the place at once, and a quarrel ensued between them, and at the request of the commander of the post a garrison was sent by General Weitzel to protect the private property of the place, with instructions to withdraw should any imperialist

approach the place. I do not sustain this action, but I presume there can be no objection on the part of the imperialists, as I protect them. An investigation is now going on to ascertain if any of our troops were engaged in this transaction. It appears that they were all present at tattoo and reveille. If General Weitzel has not already arrested Crawford on the order already given, I will arrest him.

* * * * * * * * * *

P. H. SHERIDAN, *Major General, Commanding.*

Mr. Bigelow to Mr. Seward.

No. 261.] LEGATION OF THE UNITED STATES,
Paris, February 7, 1866.

SIR: Recalling my despatch No. 241, enclosing a communication made by me to M. Guizot and the Duke de Broglie, with the President's proclamation announcing the abolition of slavery in the United States, I have the honor to enclose a copy and translation of a reply to a similar communication, made to me by M. Laboulaye, the active president of the French Committee of Emancipation, of which the other gentlemen were honorary presidents.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

PARIS, *January* 20, 1866.

Mr. AMBASSADOR: The members of the French Emancipation Society have received, with emotion and sympathy, the proclamation announcing the abolition of slavery, which you instructed me to communicate to them.

In a numerous meeting assembled to consider the future fate of the freedmen of your country I read your letter. It transformed our gathering, in a measure, into a thanksgiving festival.

This century has witnessed the abolition of serfdom in Russia, and of slavery in the United States. That is glory enough for it.

We entertain the hope that the illustrious successor of Lincoln and the statesmen and Christians of America will know how to make citizens of those of whom they have made freemen. The civilized world expects from them the success of this grand experiment.

We shall watch the steps of its progress with the most untiring interest; and we beg you to thank the President of the United States, in the name of our committee, for the measures which he has heretofore taken, and for the noble instrument to which his name shall remain attached, as we thank you also, Mr. Ambassador, for having communicated it to us.

Please accept the expression of our high consideration.

The president of the committee:

EDWARD LABOULAYE.

The secretary:

A. COCHIN, *Member of the French Institute.*

Mr. Bigelow to Mr. Seward.

No. 265.] LEGATION OF THE UNITED STATES,
Paris, February 9, 1866.

SIR: A meeting was held in this city on the last Wednesday evening in January for the relief of the freedmen of the United States. Mr. Laboulaye, the president of the French Emancipation Society, presided, and spoke. Speeches were also made by the Prince de Broglie, and Messrs. Frank and Cochin, of the Institute; by Mr. Grandpierre and Dhombres, Protestant clergymen, and by

Mr. Chamerovzow, an agent of the British Abolition Society. I have the honor to send you a copy of the Revue des Cours Letteraries, containing a full account of their speeches.

Though, for obvious reasons, I had no agency in promoting this appeal to the charities of France, I esteem it my duty to direct your attention to the response, so honorable to both countries, which it awakened.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Synopsis.—Translation.]

The second meeting for the abolition of slavery in the United States and Cuba took place in Paris in January, 1866.

Mr. LABOULAYE, the president. The first meeting in favor of the enfranchised slaves of North America was held here on the 3d of November. We invited, without distinction of religion or politics, all friends of America and of liberty. The hall filled at once; more were excluded than could be admitted. A second meeting was called for. We seized eagerly the opportunity to be useful to the blacks without offence to the whites. We have an army of speakers, who will talk to you as long as you will listen. As for the ladies' committee, which collects subscriptions, I have not spoken to them; but I think myself safe in saying that you will earlier weary of giving than they of receiving. It is for you to sustain the honor of France.

I am rejoiced at this fresh meeting—at all meetings which appeal to the conscience of the public. They teach men moderation and mutual respect, as results can only be safely secured by modifications of opinions, the results of which are the triumphs of what is true and real. That is my first point.

You know that the subscriptions are taken up by the women of France, tired of hearing what the women of England and America were doing. They have determined to mix up in public affairs. These ladies, not yet used to great public occasions, leave to me to tell you what has become of their money.

The amount of subscription since May 1, 1865, has been 57,000 francs, from which three remittances of money and clothing have been made.

These remittances of clothing were admitted duty free in the United States, and the vessels carried them freight free. They were sent to New York, to the society established by General Sherman. To increase these contributions gentlemen may sacrifice some selfish luxury; ladies may reduce the amplification of their crinoline. This is my second point. I pass to the third. I read one letter from a masonic lodge. I have many others. All desire to co-operate with us. Solidarity is the phrase; and the influence of the day in discoveries, in physics, in morals, all the world vibrates to the same thought and feeling. The question of American freedom is not an American question; it is a question of the whole human race, and interests all civilization. Freedom cannot be exalted in one country without being exalted in all countries. This liberty, extended through America, is therefore of great interest to us.

Mr. FRANCK. We are assisting at the grandest spectacle which must fix the attention and rest in the memory of our generation. Four millions of slaves enfranchised by a single law, in a single day, at the end of a war of four years, sustained with indomitable energy, and for the perpetuity and indefinite extension of slavery: what event of our age is comparable to this? Four millions of rejected human beings at once restored to the paternal home. Yes; these poor down-trodden negroes are human beings, formed in the image which we bear. They are such as we; they are our brothers.

The speaker then dwelt at some length on the means to be taken for the advancement of the negro race in the social relations by education, equal rights, and guarantees, &c.

Mr. ALBERT DE BROGLIE. Passing by the generalities which have been enlarged upon, I fain would point to some difficulties or new facilities, some complications or some resulting aids, for bringing about the social condition which America undertakes, after a gigantic struggle, to present to Europe, to the world. The problem of transition from slavery to freedom, to civilization, is not new, nor has the Old World anything to reproach to the New World, perhaps. Ages ago slavery existed here, under aspects more revolting. The problem referred to has been more than once solved. Transition from servitude to liberty is not new. The only new thing is the collective character and the suddenness of the act of emancipation. In ancient time slavery never perished by simultaneous and sudden action. Henry Martin, with all his patient search amid the dust of antiquity, has nowhere discovered in history a supreme decree resembling that this day laid before this meeting. Full of novelty

as it is, this spectacle of collective emancipation of the negroes in America is also full of grandeur. Even in the suddenness of the action there is a grandeur to which no generous spirit can be insensible.

There is a touching grandeur in looking upon a whole nation rising in its strength in one day, and at all risks, at the risk of great bloodshed, of great social convulsions, to break up such traditions, such prejudices, such interests, in order to yield public homage of respect and repentance to a moral principle, too long despised—to an imprescriptible right too long trampled under foot. There is in this a greatness to which no human heart can be insensible.

But if the spectacle is grand, the danger is great also, great for the masters, great for the slaves, great for society in general. The speaker then recurs to ancient slavery, its characteristics and modifications in old times and different countries, and, in fine, concludes that, independently of the moral causes referred to, abolition in the United States had become an imperious necessity growing out of the social condition of the country. Do you desire a striking proof of this necessity? It is worthy of notice, from the moment of emancipation, more than a year, what question do the American journals discuss, and Congress also, as to the condition of the freed blacks? Nothing but the right of suffrage. All other things are left to time and circumstance, as with the white race. The only question made as to these new men is, shall they exercise the right of suffrage, which is not merely an appanage of liberty, but a quota part of sovereignty, a fraction of supreme power, which may elevate them to all the functions which follow the right of suffrage, and possibly throw into their hands the practicable administration of the government? That is the question under discussion. I don't express an opinion whether Congress ought not to stop short of the universal application of a principle in the interest of the social well-being of the blacks themselves. I don't decide, but I know that all principles, even the most absolute, must admit of exceptions; and the simple fact that the question is raised characterizes the discussion of the great problem, which brings into contrast and antagonism the two poles of civilization and barbarism, universal suffrage and slavery, thus placed face to face, in proximity never anticipated. [Cheers.] Thus it often happens; the analogies of the physical world interpret the phenomena of the moral world. The United States are now about to accomplish a moral prodigy equal to the physical prodigies they have accomplished; and to this prodigy you are here to give your feeble aid. In the spirit of the sentiments which dictated her institutions, America will find her rule of action. Two sentiments inspired them, and alone can sustain them: the energetic living sentiment of human brotherhood, and equally energetic faith in the possibility of elevating human beings by religion, morality, and freedom. You are now called to aid in an act of human fraternization, and in proving the possibility of elevating humanity, however steeped in degradation, in a great act of confidence in the vitalitial power of liberty. [Applause.]

Mr. GRANDPIERRE. The wretchedness in behalf of which respected citizens of the United States have asked our aid must be very great. Those who know somewhat of Americans, know they freely give the cordial hand-grip of good-will; but to reach out the hand to beg is not their way. It is their noble pride to suffice to themselves, instead of reliance on others. Individuals take the initiative. Individuals found colleges, sustain universities, build churches, support the clergy. So they practice a liberality unknown to us on this side the water. In 1853, Mr. Lawrence, of Boston, thinking Harvard College not well enough off, made a gift to it of $500,000 in aid of new professorships. At the same time a New York mechanic gave two millions of dollars for an establishment for the instruction of poor young mechanics of good character. Such things are continually happening. You will say, what do the children of these very liberal men think about it? I can tell you what they are apt to say. I heard it in that country. "My father made his money; he has a right to give it as he pleases. I shall follow his example." And in fact they do so. A young man of twenty-one has laid a foundation for business. He thinks of marrying. As for a dowry, he don't think of that. And you know the American expression, "Go ahead." And he goes ahead. These habits seem to us rather hard; but there is good in them, and we might turn them to profit.

There is one fact that happened in the United States some years ago which has not been enough appreciated—that is, the touching proof of sympathy given by the northern States to England at the time of the cotton crisis. It was in the hottest of the war. The United States bent under a debt of several thousand millions, daily on the increase. Many of us thought they must break down. Then the cotton crisis burst out in England. Well, three or four millions of dollars were collected in the United States for the English operatives. That surely was disinterested generosity; for England manifested little sympathy for the Union.

But to return to my subject. I don't think Americans have asked our aid on this solemn occasion to get rid of their duty, but because this enfranchisement of the negroes, at the outset an American question, is in fact universal, is the cause of humanity; and also because they are constrained by necessity to do so. Four millions of people cast by Providence on their hands, to be fed, clothed, instructed, are fed, clothed, and instructed, brought up to labor, and in knowledge are made men and Christians—I don't know any history of a parallel case. Well, is there a nation, even the French, great as that is, so liberal, so rich, so heroic, that could alone go through with such an undertaking? Let us suppose that

each black costs only each day for food, clothing, lodging, instruction, twenty cents. You have four millions of francs per day, 120 millions a month, and 1,460,000,000 francs a year. And do you suppose that at the end of one year all this want will disappear by enchantment, and these four millions of blacks will have learned what is free labor, free life, and Christian morality? No. That will be only the beginning of the beginning. I know that what we can do here will be only a drop in the ocean; but let us try to do what we can.

Mr. CHAMEROVZOW, secretary of the London committee of emancipation, was introduced by Mr. Laboulaye, and gave an outline of the history of slavery in America, as well in the Spanish as British colonies and United States, to this time, with many details thoroughly familiar to the American citizens who read the papers, and finished by expressing his own ideas:

1. That as a general rule freedmen are not only capable of sustained industry, but ask nothing better than to be employed at reasonable wages.

2. That wherever schools are established, the freedmen, old and young alike, show an aptitude and desire to learn that is quite extraordinary.

3. That the American government is making every effort possible, through the Freedmen's Bureau, to take care of the lot of these four millions of unfortunates.

4. That everywhere among them is to be found destitution and misery, the consequence of the social disorganization prevalent through the wide territory over which they are scattered: and this must last a long time, because of the ill-will of their old masters against their heretofore slaves.

5. That the northern people, by establishing aid societies and similar associations, have nobly seconded the efforts of the government, and are entitled to our sympathy.

Mr. AUGUSTE COCHIN. After what has been said, I wish to draw your attention to the reasons for hoping that slavery will soon be abolished in Brazil and Cuba. Their condition rests on the Emperor of Brazil and Queen of Spain. It is too late this evening to speak of Brazil. I will confine myself to Cuba.

Public opinion in that island has been much awakened by emancipation in Jamaica and other islands, and now lately in the United States.

Cuba is in a very favorable condition; for there are about one million of whites and free colored, and only about three hundred thousand slaves. The white and free colored population are already habituated to field labor, and the relations between the white and free colored population are of the best kind. Cuba has offered to give up slavery for the equivalent of free civil government. The corruptions of colonial functionaries are the cause of difficulty and delay. The question must be solved at Madrid.

Mr. Bigelow to Mr. Seward.

[Extract.]

No. 269.] LEGATION OF THE UNITED STATES,
Paris, February 9, 1866.

SIR: I have received Mr. Hunter's despatch No. 375, enclosing the latest intelligence from General Weitzel's command, in possession of the Secretary of War at its date, and also his telegram of the 20th of January, transmitted to me through Mr. Derby, the despatch agent at New York.

I sent the telegram to M. Drouyn de L'huys on Tuesday, and on Wednesday had occasion to call upon him. * * * * *

The following day I was again at the ministry of foreign affairs, when M. Drouyn de Lhuys read to me a despatch he had just received from the Marquis de Montholon, giving the result of his interview with Mr. Hunter, after the despatches from General Sheridan to General Grant in reference to the pillage of Bagdad had reached the State Department. A copy of that despatch appears in the Moniteur this morning. That and the abstract of my communications upon the same subject which appeared in some of the papers yesterday, have given the situation a much less serious aspect than it presented to the French public before.

We hear to-day of your arrival, on the 20th ultimo, at Havana, and that General Crawford has been arrested.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 271.] LEGATION OF THE UNITED STATES,
Paris, February 12, 1866.

SIR: In view of the pretexts assigned for the harsh decrees of the *soi-disant* emperor of Mexico against republican prisoners captured in war, I have the honor to invite your attention to the enclosed copy of a letter from Marshal Bazaine to General Riva Palacio, general in chief of the republican army of the centre, which appears in some of the Paris journals.

In this communication the marshal not only assents to an exchange of prisoners, with all its political and belligerent implications, but he speaks in the strongest terms of the humane treatment which the imperial prisoners had experienced at his hands. "I am unwilling to terminate this letter," he says, "without thanking you for the excellent dispositions and benevolent sentiments which you have always shown towards our prisoners."

This calls to mind the speech of Marshal Forey, delivered in the senate, of the 18th of March last, in which he justified the shooting of Porfirio Diaz, the defender of Oajaca, by Marshal Bazaine, declaring that he was the chief of brigands, and that all the Juarist generals ought to be treated in the same way.

The cause of Juarez seems to have gained in dignity since then, for now the imperial government treats its officers as belligerents and commends their humanity.

As the minister of foreign affairs persists in denying that the republicans of Mexico merit the title of belligerents, I propose to send him a copy of this letter of Marshal Bazaine, with an inquiry as to its authenticity.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

EXPEDITIONARY CORPS OF MEXICO,
OFFICE OF THE COMMANDER-IN-CHIEF,
Mexico, November 16, 1865.

GENERAL: I have received your letter sent by Captain Minon. I am pleased with the humane feelings you express, and by which you are actuated on this occasion. Desirous of aiding you in this good resolution, I will do all I can to bring about a proper agreement. For this purpose I have the honor to inform you that I have given orders for the exchange of prisoners, to take place at the village of Aculcho, on the 2d of December, from 8 to 10 in the morning. In this exchange I place at your disposal—

1. General Canto and all the officers taken prisoners with him by Colonel Potier;
2. All the officers taken prisoners at Tacambaro by Colonel Vandersmissen;
3. All the officers taken prisoners at Amatlan by Colonel Mendez;
4. All the soldiers in prison at Morelia;
5. And, at your request, Generals Tapia and Ramirez, captured at Apaca, and confined in Puebla.

All the prisoners in Morelia will be delivered to you on the 2d of December.

I give my word of honor to release General Tapia and General Ramirez at Puebla, and give them a safe-conduct, to go where they please, as soon as I am informed that the exchange has taken place.

I have appointed Captain Bocarmé, of the Belgian regiment, to preside at the exchange of the prisoners. He will be escorted to the village of Aculcho by Captain Salgado, with a company of fifty or sixty infantry and a company of Mexican cavalry.

I wish to convince you, general, of my good will on this occasion, and I cannot conclude without thanking you for the kind intentions and benevolent sentiments you have always shown towards your prisoners.

Accept the assurance of my very distinguished consideration.

BAZAINE, *Marshal of France.*

General RIVA PALACIO.

Mr. Seward to Mr. Bigelow.

No. 389.] DEPARTMENT OF STATE,
Washington, February 12, 1866.

SIR: Your dispatch No. 244, of the 19th ultimo, on the subject of the indemnity from Japan under the convention of Yokohama, has been received.

In reply I have to state that the proposal contained in the verbal note which accompanied that communication is concurred in by the Executive, subject to the constitutional approval of the Senate of the United States. You may, however, regard the proposal as definitively accepted by us.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 391.] DEPARTMENT OF STATE,
Washington, February 14, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of January 12, No. 241. It was accompanied by a correspondence which has taken place between yourself and the president of the French Association for the Abolition of Slavery.

The acknowledgments which are made by those distinguished gentlemen will be placed with pleasure among the archives of the United States, and they will in due time be published, as well in the interest of friendly relations with France as with regard to the progress of the cause of humanity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 273.] LEGATION OF THE UNITED STATES,
Paris, February 15, 1866.

SIR: I have the honor to enclose copies of a note which I addressed to his excellency the minister of foreign affairs on the 12th instant, and of his reply, in reference to the authenticity of the letter purporting to have been written by Marshal Bazaine to the commander-in-chief of the Juarist army of the centre, enclosed with my despatch to you of the same date, No. 271.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, February 12, 1866.

SIR: I have the honor to transmit to your excellency a copy of the Opinion Nationale of the 11th instant, for the purpose of directing your excellency's attention to a communication which appears in its columns, purporting to have been written by Marshal Bazaine, commander-in-chief of the French army in Mexico.

If perfectly convenient, will your excellency have the goodness to inform me whether there is any room for questioning the authenticity of that communication?

I have the honor to be, very truly, your excellency's very obedient and very humble servant,

JOHN BIGELOW.

His Excellency M. DROUYN DE LHUYS,
Minister of Foreign Affairs.

Mr. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *February* 13, 1866.

SIR: I have received your request for information with which you honored me yesterday, about the authenticity of a letter of Marshal Bazaine, but I am not able to furnish you the information required.

Accept the assurances of the high consideration with which I have the honor to be your very humble and obedient servant,

DROUYN DE LHUYS.

Mr. BIGELOW,
Envoy Extraordinary and Minister Plenipotentiary of the United States, &c.

Mr. Bigelow to Mr. Seward.

No. 276.] LEGATION OF THE UNITED STATES,
Paris, February 15, 1866.

SIR: I found occasion to-day to say to Mr. Drouyn de Lhuys that when I took the liberty of interrupting some remarks he was making this day week, in view of the contingency of a war with the United States, Marshal Forey had not made his speech on the senatorial address in reply to the discourse from the throne. A perusal of that speech had led me to fear I had been guilty of a neglect of duty in not sooner bringing to his excellency's attention an instruction which I had been waiting some weeks for a propitious moment to present him. I then briefly stated the subject of your instruction No. 336, in reference to a provision for the mutual protection of the mail steamers of France and the United States in the event of war, and went on to say that while nothing was further from our thoughts or wishes than a war, yet it seemed only ordinary prudence to provide against a class of dangers to which the commerce of maritime nations was always more or less exposed.

Mr. Drouyn de Lhuys said he had no idea of the nature of the convention, referred to in your despatch, between the United States and England, and then exclaimed, "How things move. When we made our convention with you no one dreamed that such a provision could ever become necessary between France and the United States." "Very true," I said, "but capital is very vigilant, and scents danger from afar; besides," I added, "when I see what an alarm has been created by the unfounded reports from Bagdad, repetitions of which were to be expected at intervals so long as the French army remained in Mexico, I thought it prudent at least for both nations to give to their commerce the benefit of such a convention as we had with England." I then handed him a copy of the letter of Mr. McLane of the 8th of October, 1864, and of the 20th article of our postal convention with England, for his information. His excellency said he would submit the subject to his colleagues, but expressed no opinion about it himself. I attribute his silence to the circumstances under which I submitted it to his notice.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 403.] DEPARTMENT OF STATE,
Washington, March 2, 1866.

SIR: I have just now received your despatch of February 9, No. 269. In that paper you have communicated to us the proceedings which you adopted in regard to the temporary occupation of Bagdad. Those proceedings are entirely approved. All of the information which has been received from General Sheridan subsequently to the writing of Mr. Hunter's despatch No. 375, corroborates and confirms the view of the transaction at Bagdad, which were given to you in the last mentioned paper. We trust that no occasion will arise in the future for misapprehension on that subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 281.] LEGATION OF THE UNITED STATES,
Paris, March 4, 1866.

SIR: Referring to my despatch No. 197, and to your reply, No. 325, December 9th, 1865, I beg leave to state that I have received several letters from the agent of the parties interested, who represents the case as one of great urgency, and the situation of the four salt-makers, whom I mentioned in my former communication, as one of positive distress. In reply to these letters, I have promised to bring the subject anew to the notice of my government.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 412.] DEPARTMENT OF STATE,
Washington, March 5, 1866.

SIR: Your despatch of the 7th ultimo, and its accompaniments, relative to the communication which Mr. Laboulaye, the active president of the French committee of emancipation, has addressed to you upon the subject of the President's proclamation announcing the abolition of slavery in the United States, have been received. In reply to Mr. Laboulaye, I will thank you to inform him that the congratulations of the society upon the auspicious event are gratefully received and highly appreciated; that this government entertains no apprehensions for the future of a race physically qualified to obtain for itself, by industry and application, prosperity and happiness, under our free and equal constitution of government; and, therefore, we feel assured that this desirable result will be peacefully and creditably accomplished.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 423.] DEPARTMENT OF STATE,
Washington, March 17, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 9th of February, No. 265, together with its accompaniment, containing a full account of the speeches recently made at a meeting held in Paris, having for its object the relief of the freedmen in this country.

It is with a feeling of grateful regard that I observe the interest which the eminent speakers manifested on that occasion for the welfare of the United States, and for the condition and elevation of the freedmen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 288.] LEGATION OF THE UNITED STATES,
Paris, March 22, 1866.

SIR: The conference of the great powers, now sitting in Paris to provide for the exigency created by the deposition of Prince Couza, has already held two sessions. I understand that France has recommended that the old union, under a single Hospodar, should be renewed. The Journal La France says that the Ottoman ambassador has been charged by his government to advocate the same policy.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 427.] DEPARTMENT OF STATE,
Washington, March 25, 1866.

SIR: I have to acknowledge the receipt of your despatch of 4th March, No. 281, in relation to four French salt-makers, who ask this government to relinquish its claim upon 20,000 francs, deposited in April, 1863, with a notary at Montpelier, as security for the wages to be earned by them under a contract made with the general commission of subsistence of the late treasonable organization which styled itself the Confederate States of America, for the construction and operating of salt works in Alabama. These men appear to have been engaged in France by an engineer in the rebel service, and to have been brought to this country for the purpose of rendering such essential aid to the maintenance of the insurrection.

The contract thus made was as hostile and, perhaps, as injurious to the United States as if it had been for the manufacture of gunpowder. The application is, in effect, that this government shall pay these men for their efforts to destroy it; or, at least, facilitate their payment by relinquishing its claim to the fund in question—a claim which the holder of the funds deems too serious to be disregarded, notwithstanding his sympathy for the alleged distress of these workmen.

The United States cannot indulge their compassion to the extent of giving

any aid whatever to their enemies, foreign or domestic, in obtaining remuneration for an enterprise directed to the subversion of their government.

The fund in question is stated by the agent of the notary to be held by him under a pledge "not to deliver it to the said workmen except upon a certificate from the confederate government that they had fulfilled their obligations."

This is strong evidence, if not absolutely conclusive, that it came from the treasury of the insurgents, and now of right belongs to the United States. You are, therefore, instructed to apprise the notary, Mr. Grasset, that we insist upon the claim, and to take such measures as may occur to you to complete the necessary evidence, in case he manifests a disposition to resist it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 292.] LEGATION OF THE UNITED STATES,
Paris, March 26, 1866.

SIR: I have received from Lord Cowley notice of the payment of the second instalment of the Japanese indemnity. I have the honor to enclose copies of his lordship's letter and of my reply.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Cowley to Mr. Bigelow.

PARIS, *March* 23, 1866.

SIR: Sir Henry Parkes, her Majesty's envoy in Japan, has reported to her Majesty's government that a sum of $500,000, being the second instalment of the indemnity due by the Japanese government under the convention of the 22d of October, 1864, has been received by the Oriental Bank at Yokohama, which holds it at the disposal of the representatives of the four powers.

Sir H. Parkes observes, that calculating three months from the close of the Japanese ninth month, which fell on the 20th of August, 1865, when the Japanese government chose to declare the first instalment to be payable, the second instalment became due on the 17th or 20th November, according to whether the date be determined by the Japanese or foreign calendar.

The delay which has occurred in the payment is attributable, Sir Henry Parkes says, in some degree, to the absence of the representatives at Osacca, and also to the time required to raise the requisite sum by the conversion of a large quantity of copper cash, the sale of which in China has been undertaken by the Oriental Bank on account of the Tycoon's government.

Her Majesty's minister in Japan and his colleague, knowing that the Japanese ministers were acting in good faith in respect to the payment of the second instalment, did not think it necessary to raise serious objections to the delay.

I have now been instructed to propose that this second instalment should be remitted to Europe in conformity with the arrangement suggested in the letter which Mr. Ellis addressed to you on the 19th of December of last year, in regard to the first payment.

I have the honor to be, sir, your most obedient, humble servant,

COWLEY.

Hon. JOHN BIGELOW, &c., &c., &c.

Mr. Bigelow to Lord Cowley.

LEGATION OF THE UNITED STATES,
Paris, March 26, 1866.

MY LORD: I have the honor to acknowledge the receipt of your favor of the 23d instant, communicating the report received by your excellency's government that a sum of $500,000, being the second instalment of the indemnity due by the Japanese government, under the

convention of the 22d October, 1864, had been received by the Oriental Bank of Yokohama, where it is held at the disposal of the representatives of the four powers.

Your excellency also informs me that you are instructed to propose that this second instalment should be remitted to Europe in conformity with the arrangement suggested in the letter addressed to me by Mr. Ellis on the 19th of December last, in regard to the first payment.

In conformity with the instructions of my government, and in its behalf, I have the honor to accept the foregoing proposal and to thank your excellency for its communication.

I have the honor to remain, my lord, your lordship's most obedient and most humble servant,

JOHN BIGELOW.

His Excellency Earl COWLEY, *&c., &c., &c.*

Mr. Bigelow to Mr. Seward.

No. 299.] LEGATION OF THE UNITED STATES,
Paris, April 10, 1866.

SIR: I have the honor to transmit a copy of a communication received at this legation on the 28th ultimo from the minister of foreign affairs, and marked enclosure No. 1, in reference to certain steps taken by the consul at Marseilles for the distribution of a pamphlet entitled, *Lois pour encourager l'emigration, pour la protection des passagers, et pour garantir un asile aux colonisateurs actuels, &c.*

I immediately addressed the consul a communication, of which enclosure No. 2 is a copy, and in a few days received in reply enclosures Nos. 3, 4, 5, 6, 7.

After a careful perusal of these documents, I addressed a communication, of which enclosure No. 8 is a copy, to the minister of foreign affairs. I made no comment upon the reasons assigned by the minister of the interior for refusing the application of our consul—

First. Because it was apparent from the whole tenor of the despatch that this government does not look with favor upon any efforts to induce emigration from France; and

Secondly. Because it was specially requested by my predecessor, Mr. Mason, as I have discovered in the course of my researches in the archives, to prohibit contracts being made in France with emigrants going to the United States, on account of the fraudulent abuses to which the practice often subjected them.

I think the recent political reaction of the emigrant population from Ireland against the mother country has had its influence in determining this goverment to guard itself against a similar inconvenience. I the more incline to this opinion from the gratuitous rigor with which naturalized Americans of French origin have, in repeated instances, been treated by the authorities here, under the pretext that they were liable to military service. I shall soon have occasion to invite your attention to a correspondence which has passed between this legation and the minister of foreign affairs upon this subject.

The brilliant reports which emigrants bring back from the country of their adoption, and which personal vanity often tempts them to exaggerate, have a very unsettling influence upon the minds of ignorant peasants, to whom they are generally addressed. It is not strange, therefore, that the police soon find some pretext for removing these eloquent apostles of democracy from the reach of those likely to be rendered discontented by their revelations.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD.
Secretary of State, Washington, D. C.

Mr. De Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *March* 27, 1866.

SIR: I have just received from the minister of the interior communication of a pamphlet which the consul of the United States at Marseilles has recently addressed to the senator charged with the administration of the "Bouches du Rhone," and which is entitled "Laws for encouraging emigration, for the protection of passengers," &c. The consul of the United States at Marseilles has, at the same time, inquired of Mr. Maupas whether there was anything which would hinder him, in conformity with the desire of his government, from making free distribution of this pamphlet in places, dependencies of his consulate.

I need not point out to you, sir, the irregularity of the step taken in this matter by the consul of the United States at Marseilles. It is, in fact, through the medium of your legation and my department that his request should have reached the department of the interior, and it is in order to avoid departure from diplomatic usages that the Marquis De Lavalette begs me to bring to your knowledge the course of which this business has seemed to him to be susceptible.

As to what concerns the purpose itself of the communication of the consul of the United States at Marseilles, the minister of the interior, after having examined the pamphlet remitted to Mr. Maupas, as well as the manuscript analysis accompanying it, found that there would be inconveniences in authorizing the distribution through the departments of the empire of documents which, like those, present the character of an appeal in favor of emigration. The French administration has always been opposed to the sending of addresses among the native-born operatives; besides, in deviating now from this line of conduct in favor of an undertaking of emigration to the United States, it would create a precedent of which emigration agencies belonging to other nationalities might avail themselves. The minister of the interior adds, that as a consequence of the authorization which might be given for the circulation of the pamphlet in question, this distribution would be carried out under the cloak of an administrative stamping, and it would be to be feared that emigrants, misapprehending the significance of this formality, might see in it a sort of guarantee of the advantages which should be offered to them.

For these reasons the Marquis De Lavalette does not think he could authorize the senator charged with the administration of the Bouches du Rhone to accede to the request of the consul of the United States at Marseilles.

Receive, sir, the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE LHUYS.

Mr. BIGELOW, *Minister of the United States at Paris.*

Mr. Bigelow to Mr. Fleurot.

LEGATION OF THE UNITED STATES,
Paris, March 29, 1866.

DEAR SIR: I enclose a copy of a communicetion which I have just received from the Minister of Foreign Affairs. Will you be good enough to send me two copies of the pamphlet referred to, with a brief statement of what may have passed between you and the administrative authorities of the Bouches du Rhone?

I remain, sir, with great respect, your very obedient servant,

JOHN BIGELOW

Mr. GABRIEL G. FLEUROT, *United States Consul at Marseilles.*

Mr. Fleurot to Mr. Bigelow.

CONSULATE OF THE UNITED STATES,
Marseilles, March 30, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of 29th instant, with enclosure, a copy of a dispatch addressed to you from the minister of foreign affairs; and in compliance with your request I hasten to enclose the following documents relating to the subject referred to, the same being copies of the originals on file and in the records of this office, viz:

No. 1. Copy of a printed circular from the Department of State, (Bureau of Immigration.)
No. 2. Copy of my predecessor's letter to Mr. le Senateur, (26th February, 1866.)
No. 3. Copy of a letter from Mr. le Senateur to myself, (27th March, 1866.)
No. 4. Copy of letter, my reply to Mr. le Senateur, (29th instant;) and, finally, the "two"

copies of the pamphlet, with annexed copy of explanatory remarks, (A,) referred to in the correspondence of my predecessor.

I believe these copies embrace all the proceedings, and will, perhaps, more satisfactorily explain the subject than any other form of statement transmitted.

Any instructions or opinion you may deem expedient or advisable to transmit in aid to the subject, will receive my close and immediate attention.

I am, sir, with great respect, your very obedient servant,

G. G. FLEUROT,
United States Consul.

Hon. JOHN BIGELOW,
Minister of the United States, Paris.

[Printed circular.]

DEPARTMENT OF STATE, BUREAU OF IMMIGRATION,
Washington, October 2, 1865.

SIR: Pursuant to the act of Congress entitled "An act to encourage immigration," approved July 4, 1864, a copy of which I enclose, as well as of other acts having the same tendency, I have the honor to transmit to you copies of a compilation of these acts, and of the "homestead act" and other documents relating to the same subject, in the language of the country to which you are accredited; and I have the authority of the Secretary of State to request of you to distribute these copies to individuals interested in the subject of emigration, and to disseminate, by all means at your command, a knowledge of the inducements offered by this country to foreign emigrants, as contained in those documents.

The provisions of the laws of pre-emption, and other local technicalities, render the language of the "homestead act" peculiar and ambiguous to the unprepared mind, and you will confer an additional favor on this "bureau" if you would accompany the distribution of the pamphlets with such explanations as will elucidate that important act to parties interested therein. But in all your proceedings you will studiously take care not to contravene the laws, policy, or sentiments of the government to which you are accredited, or to excite any unkindly feelings on the part of the government or the people of that country.

I am, sir, your obedient servant,

H. N. CONGAR,
Commissioner of Immigration.

UNITED STATES CONSUL,
Marseilles, France.

[Translation.]

Brief of an act to encourage emigration.

CONSULATE OF THE UNITED STATES,
Marseilles, December 10, 1865.

ARTICLE 1. The essential clauses of this act refer to a Bureau of Emigration established by the government of the United States in the city of New York. The object of this bureau is to protect emigrants against all sorts of frauds and deceit, on their arrival in America; to furnish them gratuitously all the information they may need, and facilitate, at the least possible expense and delay, their settlement in this country.

ART. 2. American agencies of a private nature have been opened at different parts in Europe, having for purpose to introduce workmen for mills, workshops, mines, and other branches of industry. This article is connected with giving effect in the United States to all contracts through which the emigrant could be enabled to hypothecate his labor in America in reimbursement of the expenses of his emigration.

ART. 3. Is of no consequence, the insurrection having been completely extinguished.

The letter following (pages 4, 5) from Mr. Bowen, Commissioner of Emigration, relates to carrying out the regulations contained in the precedent act.

The law printed on page 6 was passed by the American Congress to insure the fullest protection to all classes of emigrants, during the course of the voyage to the United States.

An act to guarantee a home to actual settlers on the public lands.

This act concedes to every person who is head of a family, of twenty-one years of age, a lot of land of 160 acres, (about 165 hectares,) on condition such individual becomes a citizen of the United States, engages to cultivate the land during five years, and pays 50 francs for surveying and registry fees.

The public lands to which this act is applicable embrace a superficies of 2,000,000 of square miles, (about 5,176,000 square kilometres,) extending from 24° to 49°, and mainly situate between the Pacific ocean and the river Mississippi. The territory embraces every kind of mineral land, down to the prairie lands, which are not less sought after.

This region is rich in precious stones, in gold, in silver, in copper, in iron, in tin, in quicksilver, in lead, in marble, in gypsum, in salt, and in petroleum.

The annual value of gold extracted in these regions, still almost uninhabited, is about 150 millions to 2 billions of francs; silver to 3 millions.

The fertility of the prairies is not surpassed by that of any country in the world; in many places the bed of vegetable soil reaches a depth of several feet, and occasionally this depth is even twenty-five feet.

The public lands are divided into sections of 15,528 metres square, and subdivided into sections, and these into quarter sections, forming a surface of about 64 hectares.

The American system of registration, which consists in dividing the soil into squares by means of marked lines running north and south, and east and west, is so simple that it has so far prevented any controversy relative to boundaries or titles to grants.

The American governmect grants a quarter-section to each citizen, as has been said before. This quarter-section may be selected in any part of the public domain. That which much enhances the value of these lands for those who should decide to occupy them, is, that according to the provisions of law, two sections, (1,280 acres, or 517 hectares, 88 ares,) are reserved within each boundary of six miles square, (15 kilometres, 528 metres square,) to be sold, and the product devoted to the establishment of free schools, so that the moral and intellectual progress of the country may keep pace with its physical development.

[Translation.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Marseilles, February 26, 1866.

Mr. SENATOR: I have the honor to annex under this enclosure copy of a pamphlet which has been sent to me from Washington to be distributed in localities dependent on my consulate, as well as some lines in explanation, which I propose to have printed and to add thereto, in conformity with the wishes of my government.

I have the honor, Mr. Senator, to submit these documents to your appreciation, and to request you will please to let me know, if any objections exist, or what will be the formalities necessary to permit the distribution.

Please accept, sir and senator, the assurance of my highest consideration.

GEORGE W. VAN HORNE,
Consul of the United States.

M. SENATOR, *Charged with the Administraion of the Department of the Bouches du Rhone.*

[Translation.]

PREFECTURE OF THE BOUCHES OF THE RHONE,
FIRST DIVISION, EMIGRATION,
Marseilles, March 27, 1866.

Mr. CONSUL: By a letter dated 26th of February last, your predecessor did me the honor to communicate to me a pamphlet on emigration, which had been sent to him from Washington to be distributed in places dependent on the consulate of the United States at Marseilles, and also some lines of explanations which he intended to have printed, and to annex to the pamphlet, in accordance with the wish of his government.

On submitting these documents to my appreciation, Mr. Van Horne begged me to let him know whether anything opposed their distribution.

The distribution of pamphlets and writings of the nature of those in question, and which have for purpose to appeal under such form as may be to emigrants, constitutes in fact a veritable movement for the engagement of emigrants, and thereby comes under the application of the law of the 18th of July, 1860, in virtue of which no one may undertake operations relating to emigration without especial authority from the minister of agriculture, commerce, and public works. In what concerns this distribution the agencies legally authorized would, besides, have to conform to the regulations which govern colportage.

Receive, Mr. Consul, the assurance of my most distinguished consideration.

The senator in charge of the administration of the department of the Bouches la Rhone, by delegation:

L. TANJOUIX, *Secretary General.*

CONSUL *of the United States at Marseilles.*

[Translation.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Marseilles, March 29, 1866.

Mr. SENATOR: By the letter which you have done me the honor to address to me, dated 27th of this month, you are pleased to inform me that relative to the subject which was the motive for the letter of my predecessor, dated 26th February last, and accompanying a pamphlet on emigration, by the terms of the laws of France the distribution of pamphlets and writings of the nature of that in question cannot be made without special authority from the French government.

In consequence, Mr. Senator, I now thank you for the information you have communicated to me on this question, and which enlightens me as to the illegality of measures which might be taken outside of these reservations, and of those on agencies lawfully authorized for this purpose, on which will devolve the need of taking care to act within the competency of the privileges granted to them in the distribution of said pamphlet, which has no other purpose than to bring to the knowledge of emigrants to the United States what advantages are offered to them, what lively solicitude for their interests, and the protection given to their persons by the government of the United States.

Please accept, sir, the assurance of my most distinguished consideration.

G. G. FLEUROT,
Consul of the United States of America.

The SENATOR *in charge of the Administration of the Department of Bouches du Rhone.*

Mr. Bigelow to Monsieur de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, April 5, 1866.

SIR: I have the honor to acknowledge the receipt of your excellency's favor of the 27th ultimo, relating to the steps taken by the late consul of the United States at Marseilles for the distribution of a pamphlet entitled, "Lois pour encourager l'emigration pour la protection des passagers," &c. Your excellency directs my attention to the irregularity on the part of the consul in addressing his inquiries to the senator charged with the administration of the Bouches du Rhone, Monsieur de Maupas, instead of addressing them to your excellency, through the representative of his government resident at Paris. In reference to the subject-matter of the consul's inquiry, your excellency informs me that the imperial government has always discouraged appeals in favor of emigration addressed to native workmen, and that the consul's application has been declined.

As to the irregularity of the consul in addressing himself to the senator charged with the administration of the Bouches du Rhone, permit me to remark in his justification that his application included a request to be informed what formalities would be necessary to secure the privilege of distributing the pamphlet in question. Had Monsieur de Maupas invited the consul to make his application to your excellency through the diplomatic representative of his government, such a reply would have been strictly responsive to the consul's inquiry. I mention this merely to justify the expression of my own conviction that the late consul at Marseilles had no intention to so far depart from the wishes of his government as to attempt to bring the advantages of emigration to the United States before the people of France in an irregular way.

I shall not fail to take note of and communicate to my government the objection raised by his excellency the minister of the interior to the diffusion of information designed to encourage emigration from France.

I avail myself of this opportunity to renew to your excellency the assurances of the high consideration with which I have the honor to be your very obedient and very humble servant,

JOHN BIGELOW.

His Excellency DROUYN DE LHUYS, *&c., &c., &c.*

Mr. Bigelow to Mr. Seward.

No. 302.] LEGATION OF THE UNITED STATES,
Paris, April 13, 1866.

SIR: In the month of August, 1865, application was made to this legation for its interference in behalf of George Schneider and J. Baptiste Cochener, naturalized citizens of the United States, who were thrown into prison to await the

result of an inquest in regard to their liability to military service in France. I have the honor to transmit copies of a communication which in each case I addressed to the minister of foreign affairs. They are numbered, respectively, 1 and 2. To these communications I received a reply, of which enclosure No. 3 is a copy.

In March of this year I received another appeal from a man named Frank Pierre, who was in the service of the New England Glass Company of Boston, and who represented himself to have been the victim of brutal treatment from the authorities of his native place, which he had just revisited after an absence of sixteen years. I spoke of the matter to M. Drouyn de Lhuys, who requested me to make a written representation of the case, when he promised to give the subject prompt attention. Thereupon I sent him the annexed communication, numbered 4.

The following day I had occasion to address the minister of foreign affairs the annexed communication, No. 5, in behalf of still another naturalized citizen, who had appealed to me from prison for protection against conscription.

To these communications I received in reply two notes, of which copies, numbered respectively 6 and 7, are annexed.

Meantime Frank Pierre called upon me and gave me full details of his treatment and of his liberation. I made up my mind that if naturalized citizens of the United States, on their arrival in France, were subject to such brutalities without the knowledge of the government, it was my duty to take such notice of them as should leave the government no such excuse for their repetition; and if, on the other hand, they were in accordance with government instructions, it was proper that the government should be required to avow it, that we may take such steps for the protection of our adopted citizens as circumstances and our national dignity may prescribe. It is certain, at least, that our adopted citizens of French origin should be notified, before leaving America, of the indignities to which they expose themselves by returning to France, unless this government is prepared to recognize in an American passport presumptive evidence of nationality, sufficiently strong, at least, to protect its bearers from imprisonment.

Under the influence of these considerations, I addressed to the minister of foreign affairs to-day a protest, of which enclosure No. 8 is a copy, thereby reserving to our government the right to reopen the subject, if it shall ever see fit to do so.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, August 10, 1865.

SIR: I have the honor to enclose a communication received from Mr. Charles Adam, notary at Marmoutier, Bas Rhin, to which I beg your excellency's attention.

Mr. Adam represents that a native of that canton named George Schneider left his native village with a passport at the age of seventeen years and went to the United States, where he became a naturalized citizen, and whence, after a residence of some thirteen or fourteen years, three of which were spent in the military service of his adopted country, he returned to France in July last.

Mr. Adam further represents that, in his absence, Schneider was conscripted, and, consequently, upon his return to France he was arrested, his naturalization papers taken from him, and he was thrown into prison at Strasbourg, where he is now lying.

I beg your excellency will take an early opportunity of satisfying yourself of the correctness of these allegations, and, if established, that no time may be lost in restoring to Schneider

the privileges and immunities to which he may be entitled in France as a citizen of the United States, including the naturalization papers of which he is alleged to have been deprived.

I beg your excellency will accept assurances of the high consideration with which I have the honor to be, your very humble and very obedient servant,

JOHN BIGELOW.

His Excellency Monsieur DROUYN DE LHUYS,
Minister of Foreign Affairs, Paris.

Mr. Adams to Mr. Bigelow.

[Translation.]

MARMOUTIER, *August* 2, 1865.

Mr. MINISTER: The undersigned has the honor very respectfully to represent to you that the person called George Schneider, native of Allenwiller, canton of Marmoutier, left his native place, provided with a passport, at the age of seventeen years; that he went to America, where he remained until the month of June, 1865; that he served as a soldier in America during three years; that he has a certificate of naturalization from the American authorities; that he came to France in the month of July, 1865; that in passing through Paris he went to call upon your excellency to place himself under your protection; that he passed fourteen days at Allenwiller, and on yesterday was arrested by the gendarmerie of Marmoutier as refractory; that he is now at prison at Strasbourg, and that his papers emanating from the American authorities are in the hands of the military authority at Strasbourg.

It seems that, during his absence, which lasted thirteen or fourteen years, his parents caused his name to be borne on the recruiting census list, and his father, on drawing lots, drew an unlucky number for him, and he was consequently matriculated in the seventh regiment of the line.

He has charged me to send you these details, and to beg you will be so good as to interest yourself in him as an American citizen. He has also told me that, at the time of his visit to you, you were pleased to promise him your protection. As the moment has arrived when he has need of that protection, he ventures to recall your promise, hoping not to do so in vain.

Shall I venture, your excellency, to beg myself that you will please to give effect to the applications of Mr. Schneider, and receive in advance the thanks of—

Your humble servant,

CHARLES ADAM, *Notary.*

His Excellency the MINISTER *from America at Paris.*

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, August 11, 1865.

SIR: I have the honor to enclose a communication which reached the United States consulate at Paris, duly forwarded by the French military authorities, from Mr. Jean Baptiste Cochener, now in confinement in the military prison at Metz, to which I beg your excellency's attention.

Mr. Cochener represents that he is a native of Uni, in the department of the Meuse; that he left France at the age of seventeen years, and went to the United States, where he became a naturalized citizen, and whence, after a residence of some fourteen years, he returned to France in July last, at the request of his dying mother, leaving his four children in the United States, where he intended shortly to return. He further represents that he has all the papers requisite to establish the fact of his being a citizen of the United States, but that, on being denounced as not having submitted to the conscription, he was arrested at Vau Couleur and thrown into the military prison of Metz, where he is awaiting judgment.

I beg your excellency will take an early opportunity of satisfying yourself of the correctness of these allegations, and, if established, that no time may be lost in restoring to Cochener the privileges and immunities to which he may be entitled in France as a citizen of the United States.

I beg your excellency will accept assurances of the high consideration with which I have the honor to be, your very obedient and very humble servant,

JOHN BIGELOW.

His Excellency Monsieur DROUYN DE LHUYS,
Minister of Foreign Affairs, Paris.

[Translation.]

METZ, *July* 10, 1865.

Mr. CONSUL: I come to ask from your kindness, as representing the rights of my country, to be so good as to ask from the French government that I be set at liberty.

I was born in France, at Uni, canton of Van Couleur, department of the Meuse. Hoping to make a position for myself, I embarked at the age of seventeen, in the year 1851, for Pennsylvania—that country having pleased me—and having created by my labor resources enough for living, I made myself a naturalized American in the month of May, 1857, taking the oath of fidelity to this nation, which for fifteen years has been mine.

I married in Pennsylvania, and my wife died the 25th of March, 1865, leaving me with four children; and my actual domicile is at Tidionte, called "Filtam Chipp," and makes part of the jurisdiction of Warren county, in Pennsylvania.

My mother being at the point of death, wrote begging me to come and see her before her last hour. I yielded to her entreaties, and embarked for France, leaving my family in my country. The authority at Meadville delivered me a passport and all the papers necessary to enter France. Thinking myself quite safe, I landed on French soil the 2d of July, 1865, was denounced as refractory, and not having been subjected to draft, was arrested the 15th of July at Van Couleur and taken to the military prison at Metz, in the fifth military division, and shut up to be tried. It is for this reason, Mr. Consul, I ask from your kindness to make application to obtain my being set at liberty as an American citizen.

I am provided with all my papers, and ought to be back in Pennsylvania by the 27th to take care of my family and continue to support them by my toil.

Relying on your generous aid, I am, Mr. Consul, with respect, your very obedient, humble servant,

JEAN BAPTISTE COCHENER,
At the Military Prison at Meutz, Mozelle.

The UNITED STATES CONSUL.

Mr. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *August* 14, 1865.

SIR: I have received the two despatches which you have done me the honor to address to me on dates of 10th and 11th of this month—and subject of Messrs. George Schneider and Jean Baptiste Cochener, lately arrested in France as refractories, although after having become naturalized Americans, and who ask you to have them set at liberty.

This is not the first time that questions of this kind are presented, and my predecessor has already had occasion to make known to Mr. Faulkner, especially by a letter of July 5, 1860, relative to Mr. Zeiter, that in a matter so serious as that of military recruiting, where an extensive public interest may be complicated with the rights of individuals, it becomes incumbent to invest with the surest guarantees the decision to be arrived at, and to restrict the interference of the administration within the straitest limits. Thus the law of March 21, 1832, which governs the matter, has reserved the appreciation of questions of nationality to the courts, before which Messrs. Schneider and Cochener will have to present their reclamations.

This delegation of jurisdiction should not, moreover, awaken the susceptibilities of foreign countries, because it constitutes the best guarantee of impartiality which can be offered to those having right, as can be proved in case of need by the decision rendered in 1860 in favor of Mr. Zeiter by the court at Wissemburg. Nevertheless, I hasten to communicate, by way of information to the marshal minister of war, the reclamations of Messrs. Schneider and Cochener.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DROUYN DE LHUYS.

The MINISTER *of the United States at Paris.*

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, March 27, 1866.

SIR: I am sorry to be compelled to invite your excellency's attention to another case of imprisonment of an American citizen in France, upon the pretext of his liability to military service.

From information derived through different sources, I am advised that Francis Pierre, a

naturalized citizen of the United States, whither he was taken by his parents sixteen years ago, when but sixteen years of age, has been arrested as a conscript at Sarreguemines, deprived of his passport and naturalization papers, and thrown into prison at Metz. From the evidence furnished me of the character of this person, I do not permit myself for an instant to suspect him of having incurred this degradation through any violation of the laws of France; neither can I understand why an American citizen travelling under the usual passport of his government should be subjected to indignities which ought only to be visited upon criminals.

I trust your excellency will find it convenient to give to Pierre's case your early attention, that neither his imprisonment nor his separation from his family and his affairs may be unnecessarily prolonged.

I am sure it would be a satisfaction to my government, also, to know upon what pretext Americans, armed with the presumptive evidences of their nationality, should be imprisoned while the authenticity of those evidences is being tested. This is the third case I have had occasion to bring to your excellency's attention within the last seven months of American naturalized citizens seized, stripped of their naturalization papers and passports and thrown into prison.

The two other cases, one of a Mr. Schneider, and the other of a Mr. Cochener, were the subjects of communications to your excellency, dated respectively the 10th and 11th of August last. Your excellency replied that the law of 21st March, 1832, committed the decision of nationality to the tribunals to which the parties in question should address themselves. Since then I have been favored with no information of the fate of these men. No charges of crime against them have been communicated to me, neither has the news of their liberation, if they have been liberated, transpired at this legation. I am far from supposing that there has been in either of these instances any deliberate intention on the part of the French authorities to treat with disrespect the protections of my government, but I fear from what has occurred, and is frequently occurring, that such protections do not possess the value in France that in the United States they are supposed to possess. They are supposed with us to furnish presumptive evidence of nationality; in France it appears that, practically, they do not. I would be glad to know if such is the view taken by the imperial government. If it is, I would wish to be authorized to correct the grave misapprehension which exists upon the subject in the United States; and if it is not, it would gratify me to be assured that measures were to be taken to prevent a repetition of mistakes similar to those with which it is so often my unwelcome duty to trouble your excellency.

I pray your excellency to accept renewed assurances of the high consideration with which I have the honor to be your very humble and very obedient servant,

JOHN BIGELOW.

His Excellency Monsieur DRUYN DE LHUYS,
Minister of Foreign Affairs, &c., &c., &c.

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, March 29, 1866.

SIR: Recalling the note which I had the honor to address your excellency yesterday in reference to the reclamation of one François Pierre, a naturalized citizen of the United States, detained in prison at Metz under pretext of liability for military service, I beg to invite your excellency's attention to another case of similar character which has been brought to my notice to-day. The particulars of this, so far as they are known to me, are recited in a note from the party complaining, who calls himself Frederick Todry. He states that he left France when only seventeen years of age; that he has resided in the United States since 1853; that he was naturalized there in 1858; that he returned to France in February last, when he was arrested, deprived of his naturalization papers, and placed under military arrest in the fortress of Besançon, from whence he writes.

Permit me to express the hope that this case also may occupy the early attention of your excellency, and that it, as well as those already referred to your excellency, may receive such a disposition as the principles of humanity and the comity of nations may dictate.

I avail myself of this occasion to renew to your excellency assurances of the high consideration with which I have the honor to be your very humble and very obedient servant,

JOHN BIGELOW.

His Excellency DROUYN DE LHUYS,
Minister for Foreign Affairs, &c., &c., &c., Paris.

Mr. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *March* 29, 1866.

SIR: You have done me the honor to write to me under date of 27th of this month, on the subject of the arrest and imprisonment of the person called François Pierre, claiming the quality of naturalized American citizen.

I hastened to write to the minister of war to beg him to give me precise information on this affair, and I shall have the honor to answer you as soon as I shall have received it.

As for Messrs. Schneider and Cochener, an order of no cause has taken place in favor of the second for the reason that he was a naturalized foreigner more than five years, and in consequence the offence of refractoriness which was charged against him was covered by limitation of time.

As for Mr. Schneider, the departmental commission has pronounced his discharge, and he also has been set at liberty. I had reason to suppose the parties interested had brought these decisions to your knowledge.

Accept the assurance of the high consideration with which I have the honor to be, sir, your very humble and most obedient servant,

DROUYN DE LHUYS.

Mr. BIGELOW, *Minister of the United States, Paris.*

Mr. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *March* 29, 1866.

SIR: You have done me the honor to write to me yesterday, March 29th, on the subject of Mr. Frederick Todry, who had been arrested at Besançon as refractory.

I hastened to inquire into this affair, as well as into that of Mr. François Pierre, and for precise information from the minister of war, and will have the honor to answer you as soon as I shall have the elements necessary for making a decision with full knowledge of the cause.

Accept the assurances of high consideration with which I have the honor to be your very humble and obedient servant,

DROUYN DE LHUYS.

Mr. BIGELOW,
Minister of the United States of America at Paris.

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, April 13, 1866.

SIR: Recalling the communication which I had the honor to address to your excellency on the 27th ultimo in reference to the arrest and imprisonment of Francis Pierre, a naturalized citizen of the United States, I beg now to invite your excellency's attention to the sworn statement of Pierre, which is enclosed.

By this statement, the main facts of which your excellency can readily verify, it would appear that Pierre has been treated with excessive rigor, and subjected to indignities which would hardly be visited upon the most degraded criminals. The only pretext assigned for his arrest is, that he was liable to military service, though he was fortified with papers which proved that he had been a citizen of the United States sixteen years, and with an American passport, which should have protected him from insult in all countries in friendly relation with the United States.

While I do not permit myself to suppose for a moment that the hardships of which I complain had their origin in any unkind feeling towards the people or government of the United States, I feel it to be my duty, in view of the frequent recurrence of such cases during my residence near his imperial Majesty, to protest, and I accordingly do hereby formally protest, against the original incarceration of Francis Pierre, and against all the indignities of which he was subsequently the victim.

I beg to renew to your excellency the assurance of the high consideration with which I have the honor to be your excellency's very obedient and very humble servant,

JOHN BIGELOW.

His Excellency Monsieur DROUYN DE LHUYS, *&c., &c., &c.*

Deposition of Frank Pierre.

LEGATION OF THE UNITED STATES,
London, England.

I, Frank Pierre, being duly sworn, depose and say, that I am a native of the canton of Bitche, in France; that I lived there up to the age of sixteen years, and then emigrated to America in the year 1851; that I became a naturalized citizen of the United States on the 23d of October, 1856. On the 8th of January, 1866, I applied for and received a passport from the Department of State, and came to France to visit my sisters, who reside at St. Louis, department of the Moselle. I arrived at that place on the 15th of March, and on the day following the mayor of that city informed my aunt, Miss Shild, that my presence in the place was unlawful, and that, unless I immediately left the town, he (the mayor) would be obliged to inform the gendarmes of my presence and order my arrest. I then sought a personal interview with the mayor, and asked him under what pretext this warning was given. The mayor said I was liable to military service, and that as soon as my presence was known to the gendarmes I would be arrested. I then said I would myself inform the gendarmes of my presence; that I was not engaged in any improper or unlawful practices, and would not leave the city until I was ready. I then went to Bitche, the capital of the canton, and saw the brigadier of the gendarmes, showed him my passport and papers of naturalization. The brigadier admitted that no claim for service could be made upon me, and the next day he asked me for those papers, saying that he would use them to have my name erased from the rolls, and would then restore them to me again. The next day, which was Monday, the 19th of March, while I was at dinner in the house of my uncle, Francis Pierre, glass worker of St. Louis, I was seized by a party of gendarmes and taken in an open vehicle, at my own expense, through a drenching rain-storm to Bitche. When I arrived there, after a journey of ten kilometres through the rain, I was thoroughly chilled and exhausted. My clothes were saturated with water, and valuable papers and drawings which I had collected for the use of the New England Glass Company, in whose employment I am, were entirely spoiled. In this state I was thrust into a damp prison, where I remained all night without an opportunity of drying my clothes, notwithstanding that my uncle, M. Gerard, of Bitche, requested permission of the brigadier to keep me at his house during the night, offering to hold himself responsible for me and to pay the expense of a guard for me. After passing a night without sleep, in the morning half a loaf of bread and a bottle of water were offered me for my breakfast, which I refused. It was only after an altercation with the guard that I was at last permitted to eat the breakfast that my uncle had prepared for me. I was then taken to Sarreguemines in a wagon which I hired at my own expense, being unable to walk that distance—32 kilometres. I was there thrown into a prison with common criminals of every description, and kept two days and nights in their company. The second day the procurer imperial came and searched my person and valise, and took from me all my papers, even including my letters from my wife and family, and kept them for five days. The third day I was taken from Sarreguemines to Metz, and there I had to live on prison fare in common with the rest of the prisoners. I had asked them repeatedly to let me have some food that I could eat, at my own expense, but the answer was that the prison regulations did not permit it. I was detained there seven days. I was then set at liberty, my papers restored to me, without a word of explanation.

FRANK PIERRE.

Sworn and subscribed to by Frank Pierre, before me, at the legation of the United States, London, this 11th day of April, A. D. 1866, and of the independence of the United States the 90th.

BENJAMIN MORAN,
Secretary of Legation.

Mr. Bigelow to Mr. Seward.

No. 303.] LEGATION OF THE UNITED STATES,
Paris, April 14, 1866.

SIR: Referring to my despatch No. 302, I have the honor to transmit the enclosed note this day received from the minister of foreign affairs, in regard to the arrest and imprisonment of American citizens in France under pretext of military service.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

M. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *April* 13, 1866.

SIR: I had the honor to write to you on the 29th and 30th March, to let you know that I had called the attention of the minister of war to the reclamations of Messrs. Todry and François, who were the objects of your letters of the 27th and 29th of same month.

Marshal Randon has just informed me, and I hasten to let you know, that these two persons have been set at liberty. Moreover, orders have been given for suspension of the judicial action, to which they were subject on the score of the offence of refractoriness, until the civil courts before which MM. Todry and François will have to present themselves shall decide whether they have or have not lost the quality of Frenchmen, and since what time.

Accept, &c., &c.,

DROUYN DE LHUYS.

Mr. BIGELOW, *&c., &c., &c.*

Mr. Bigelow to Mr. Seward.

No. 308.] LEGATION OF THE UNITED STATES,
Paris, April 23, 1866.

SIR: The enclosed passport purporting to have been issued by the governor of Louisiana was presented at this legation a few days since, to be visaed Of course the application was declined, and the party to whom it belonged was informed that if he wished the protection of the United States government he must procure a passport from the United States government. He accordingly took a new passport from this legation and left his old one, on which is inscribed the visa of the Bavarian consul at New Orleans. I send it to you under the impression that you may, perhaps, think it proper to inquire by what authority a foreign consul residing in the United States visas a passport issued by a governor of a State.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 441.] DEPARTMENT OF STATE,
Washington, April 23, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 26th ultimo, No. 292, enclosing copies of the correspondence which has passed between yourself and Lord Cowley, upon the subject of the payment of the second instalment of the Japanese indemnity. Your proceedings in this matter are approved.

The treaty having now been ratified, I have to inform you that in compliance with the suggestion with regard to the disposition of the money to be placed to the credit of the United States, contained in your despatch of the 19th of January, No. 244, Mr. Adams has been instructed to inform Lord Russell of his authority to receive the share of the instalments already paid, which is due to this government, and upon its receipt to place the amount with the Messrs. Baring Brothers & Co., at London, to the credit of the Secretary of State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., *&c., &c., &c.*

Mr. Bigelow to Mr. Seward.

No. 311.] LEGATION OF THE UNITED STATES,
Paris, April 27, 1866.

SIR: Since posting my despatch No. 302, in relation to the arrest and imprisonment of Francis Pierre, a naturalized citizen of the United States, a correspondence, of which I enclose a copy, has passed between the ministry of foreign affairs and this legation. I am promised an early official reply to my last note, which I hope may close the correspondence satisfactorily.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Drouyn de Lhuys to Mr. Bigelow.

[Translation.]

PARIS, *April* 16, 1866.

SIR: You did me the honor to write to me the 13th of this month to call my attention to the declarations made at the United States legation in London, by Mr. François Pierre, on the subject of the ill- treatment of which he had to complain on occasion of his imprisonment.

I thank you for having repelled any supposition that the hardships of which Mr. Pierre may have been the subject were caused by any ill-feeling in respect of the people or government of the United States. The conduct of the French authorities could not have been swayed by any such motive. It is probable that Mr. François Pierre exaggerated certain circumstances which unavoidably happen when there is a necessity to transfer from one place to another an individual under arrest. However it may be, I send the declarations of Mr. François Pierre to the minister of war, requesting him to order an inquiry on the subject.

I shall have the honor at an ulterior date to inform you of the result. But at this time I cannot withhold the remark, that the first use Mr. François Pierre thought he should make of his liberty was to withdraw himself from the jurisdiction of the French courts, before which he was to prove the loss of his character of Frenchman by the acquisition of a new nationality.

Accept, sir, the assurance, &c., &c.,

DROUYN DE LHUYS.

Mr. BIGELOW,
Minister of the United States of America at Paris.

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, April 24, 1866.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 16th instant in reference to the arrest and imprisonment of François Pierre at Sarreguemines in March last.

Your excellency expresses the opinion that Pierre probably exaggerated the rigors which inevitably attend the transfer of a prisoner from one place to another. I trust your excellency's opinion is well founded, though I regret to say that I am in possession of no evidence tending to invalidate the statements of Pierre and another eye-witness of the treatment of which he complains.

Your excellency is pleased to add that the first use that Pierre made of his liberty was "to withdraw himself from the jurisdiction of the French tribunals, before which it was his duty to establish the loss of his quality as a Frenchman by the acquisition of a new nationality." I do not know that I entirely comprehend the implication intended to be conveyed by these words of your excellency; but if they were designed to reproach Pierre with a violation of good faith in withdrawing from France when he did, I do not hesitate to express my conviction that they do him injustice.

Pierre came to England as the agent of a New England manufacturing company. He thought fit to profit by the opportunity to visit the place of his birth and the friends of his early youth. He arrived there on the night of the 15th of March. On the following day he was arrested and kept a prisoner until the 28th of March, when he was liberated, and his

passport and naturalization papers returned to him. Then, instead of availing himself of his liberty, as your excellency intimates, to withdraw from France, he came to Paris, where I first saw him. After a sojourn here of two days he left for London to join his wife, whose anxieties he was naturally anxious to relieve, and to attend to the business for which he had been sent to Europe. He assures me that when his papers were returned to him he had no suspicion that there was any further question of his right to his freedom, nor did he receive any intimation from any quarter that he was expected to abide the result of any further investigation. If the fact be otherwise, and if Pierre entered into any engagement, formal or implied, to remain in France after his liberation, I should esteem it a favor if your excellency would inform me of the nature and terms of such engagement. I am at a loss to comprehend upon what principle such terms could have been imposed, or if imposed, that Pierre, with his presumed tendency to exaggerate his grievances, should not have added this to the list.

But whether the rigors of Pierre's confinement were exaggerated or not, and whether he took refuge from his persecutors in England or not, are, I suppose, in this case, secondary questions. It is not disputed that he was arrested with ample evidence of his American citizenship upon his person, and detained a prisoner for nearly a fortnight without any charge or pretence of crime. With all the presumptive evidence of his nationality in his favor, he was treated like a felon. This is so inconsistent with the privileges which, by the comity of nations, are usually accorded to strangers fortified with the ordinary evidences of their nationality, that I venture to believe your excellency will agree with me in thinking that a more precise definition of the authority and value of an American passport in France would have a most desirable tendency to prevent misunderstandings.

I avail myself of this occasion, &c., &c.

JOHN BIGELOW.

His Excellency Monsieur DROUYN DE LHUYS,
Minister of Foreign Affairs.

Mr. Drouyn de Lhuys to Mr. Seward.

[Translation]

DEPARTMENT OF FOREIGN AFFAIRS,
Paris, April 25, 1866.

MY DEAR MR. BIGELOW: I have the honor to send you herewith, under the character of a private note, some details on the subject of the arrest of Mr. Francis Pierre.

Yours, very sincerely,

DROUYN DE LHUYS.

P. S.—The details are given to me by the minister of war.

[Translation.]

Mr. François Pierre, charged with refractoriness, was regularly arrested by the gendarmerie of St. Louis, (Moselle.)

The mayor of St. Louis and the local gendarmerie had not the duty to appreciate, to judge of his remonstrances, and to pass upon the question whether he was freed from the obligations of the law on recruiting.

Their duty was to cause him to be taken at once, as the law directs, to the general commanding the fifth military division at Metz. So, in accepting as true the recital of the remonstrance, he could not have been the object of any abuse of power.

If François had with him papers of value, which were damaged on the way, the administration is not responsible for this accident; he could have left these papers with his uncle, at whose house he was arrested, or have intrusted them to the gendarmes of the escort. For the rest, it was in an open wagon, and at his cost, he says, that he was taken to Bitche.

The prison at Bitche is a military house of correction in which there is no canteen, (public house.) This explains why François Pierre could not get what he wished, although he was shut up in a hall set aside especially for passengers. The principal agent was right in objecting to his receiving from without aliments other than those fixed by the rules. There would be too many abuses to contend with if every one detained could at his pleasure modify the regulations of the prison.

In fine, if at Bitche François received only half a loaf of bread and water, it is because he chose to go before the dinner hour; for in fact the military who are detained, have every day a ration of meat and a strong soup. He says himself he only stopped one night.

The remonstrance again says, that at his expense he travelled by railroad from Bitche to

Sarreguemines. It is because he would have a place that pleased him; because, according to the regulations, all men travelling under escort of gendarmerie *must* travel by rail.

The prison of Sarreguemines, where François passed two days and two nights, is a civil prison, receiving military men passing on, but subject to the supervision of the imperial advocate; thus it is explained that the declarant, although arrested simply for a military offence, would have been searched and his papers temporarily taken from him.

In fine, arriving at Metz, François was regularly shut up in the military prison of justice. As he says himself, he was there subjected to the rules, as other prisoners; and when he adds that he asked in vain that they "would furnish, at his expense, something he could eat," that evidently signifies that he wanted something besides ordinary prison fare. This ordinary, established by regulation of 6th February, 1865, consists also of a ration of meat and a good soup every day, and may be improved by buying in the kitchen certain provisions, the sale of which is allowed.

In brief, Mr. François, who was used to comforts, may have suffered more than another the consequences of his arrest, but in reality was not the victim of any ill-treatment.

Mr. Bigelow to Mr. Seward.

No. 312.] LEGATION OF THE UNITED STATES,
Paris, April 28, 1866.

SIR: I have the honor to enclose a copy of a note, this day received from the minister of foreign affairs, in further reply to my last communication to him in reference to the arrest and imprisonment of Francis Pierre. Though his reply is far from satisfactory, I shall consider the correspondence closed, unless another case of a similar character is reported to me, which I think is not very likely to occur. In a conversation with Mr. Drouyn de Lhuys upon the subject, a few days since, he said he would give orders to have the inquiry into the genuineness of passports and papers henceforth made more promptly. Meantime if naturalized citizens of the United States, liable to conscription in Europe but for their naturalization, could be notified in some way to go at once, upon their arrival in France, and report at the *maire* of the district in which their names are enrolled, producing their evidences of nationality, and ask to have their names erased from the conscription list, it would then probably be their own fault if they experience any of the rigors of which Pierre complained.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Drouyn de Lhuys to Mr. Seward.

[Translation.]

PARIS, *April* 27, 1866.

SIR: I hasten to answer the letter relating to François Pierre, which you did me the honor to write me on the 24th of this month.

From the information furnished me by the minister of war, it appears that the policemen who arrested François Pierre, not being empowered to decide the question whether or not he was subject to military service, were obliged to take him before the general commanding the division of Metz—accidents of the journey, such as damage to his papers by bad weather, being unavoidable, the department is not responsible for them.

The treatment of the plaintiff in the prisons of Bitche, Sarreguemines, and Metz, of which he complains, must have been similar to that of the other convicts, and he must have wanted something more than the ordinary prison fare, which he did not get; and this is the cause of his complaint.

But these details, as you must acknowledge, are of small import; the chief point which you specify, and I agree to, is to determine what value is put upon an American passport in France.

In regard to this, you state, that François Pierre, proved to be an American citizen by his papers, was arrested and treated as a criminal, without the form of a proper trial.

If that were so, I would be the first to say with you, that such a proceeding is inconsistent with international customs; but the case is somewhat complicated.

The fact is, the person named François, a Frenchman by birth, was included in the quota for 1849, and as he did not respond to the summons, he has been considered as an insubordinate since the year 1850. Now, when François came back to France, he was still in insubordination, and as guilty of that offence, he was arrested. True, he was the bearer of an American passport; and no official in France will think of disputing the respect due to it. If François had been an American by birth, or a citizen of the United States, under other circumstances, his passport would certainly have protected him from prosecution for the offence in question; but when a person returns to his native country with foreign naturalization papers, it is not just to lay aside his nativity and admit his new nationality as protecting him, by a retroactive effect, contrary to every principle of law, against former acts, and particularly against offences of which he was guilty, a Frenchman, as in the present case. His presence in his native country obliges him to explain his case by the laws of the land; and as long as he has not done that, he is considered to have preserved his primitive citizenship.

Now, who is the competent judge of the question of nationality? The government of the Emperor has more than once had occasion to discuss that point with the United States legation. I will refer in particular to the correspondence of 1860, with Mr. Faulkner, your predecessor, in regard to Zeiter's case. In France the departments have no right to judge of cases of military recruiting; that jurisdiction being reserved by law to courts of justice. This, so far from offending foreign countries, is the best security we could offer against arbitrary decisions.

Such is the justice of our statutes, and it leaves no cause of action to the departments.

Fortunately, difficulties of this kind do not often occur; and I will promise to use all the moderation compatible with the meaning of the law in the settlement of these questions.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and most obedient servant,

DROUYN DE LHUYS.

Monsieur BIGELOW,
Minister of the United States, at Paris.

Mr. Seward to Mr. Bigelow.

No. 445.] DEPARTMENT OF STATE,
Washington, May 1, 1866.

SIR: I enclose herewith, for your information, copy of a letter, of the 11th ultimo, which I addressed to the Hon. William Dennison, the Postmaster General, in reply to his inquiry for my opinion in regard to the offer of the French government of their line of steam ocean packets to convey the United States mail between New Orleans and Vera Cruz.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Dennison.

DEPARTMENT OF STATE,
Washington, April 11, 1866.

SIR: I have had the honor to receive your note of the 10th of April. By that paper I am informed that the general post department of France has advised you that the service of the French line of steam ocean packets, running between Vera Cruz and Matamoras, touching at Tampico, will be extended to New Orleans on or after the 11th of April instant, and that the employment of said packets on the line from New Orleans to Vera Cruz has been tendered to your department for the transmission of such correspondence as the United States may, with advantage, forward to Mexico by that route, under an equitable arrangement for the division of the postage thereon between the two governments.

You submit to me the question, whether there is any political objection to the arrangement which has thus been proposed?

Having conferred with the President, I have now the honor to state that a French postal steam vessel running between the ports of Matamoras and Vera Cauz, can be deemed by

this government to be exercising the rights of war as a belligerent against the republic of Mexico, with which republic the United States are maintaining with constancy relations of friendship. I think, therefore, that Mexico will have ground of complaint against the United States if the arrangement proposed shall be carried into effect.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM DENNISON, *Postmaster General.*

Mr. Seward to Mr. Bigelow.

No. 450.] DEPARTMENT OF STATE,
Washington, May 4, 1866.

SIR: I transmit to you, for your information, a copy of a note* which, on the 25th ultimo, I addressed to the Marquis de Montholon, upon the subject of the evacuation of Mexico by French troops.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Bigelow.

No. 452.] DEPARTMENT OF STATE,
Washington, May 7, 1866.

SIR: Your despatch of April 10, No. 299, has been received. It is accompanied by a copy of a note which was addressed to you, on the 27th of March last, by Mr. Drouyn de Lhuys, on the subject of a proposed distribution, by the United States consul at Marseilles, of copies of a publication entitled "Laws (of Congress) for encouraging immigration and protection of passengers," &c.

Your despatch is accompanied further by a copy of your reply to that communication, and by various documents which illustrate the subject of the correspondence. Your reply is approved.

Mr. Drouyn de Lhuys very rightly observes that the proceeding of the consul, in addressing the municipal authorities at Marseilles, was irregular, and that propriety required that he should give you information of the doubts which influenced him in opening this correspondence. On the other hand, it is very clear that the error committed by the consul was inadvertent, and entirely consistent with a just respect for the French government. We are under obligation of law and courtesy to refer the matter of emigration to the laws of France.

It appears, from the communication of Mr. Drouyn de Lhuys, that the Emperor thinks it would be inconvenient to authorize the distribution of publications, by the consuls of the United States, designed to show the advantages which our country offers to emigrants.

It does not so distinctly appear, from Mr. Drouyn de Lhuys's communication, that the laws of France authorize the government to disallow snch publication. He may well, however, have understood it was unnecessary to make any statement upon that point to you, in view of your familiarity with the laws of the empire. You will, of course, inform yourself of that fact, and you will direct the consuls within the empire to refrain from any proceeding or measure, in this respect, which is objected to by the French government, in conformity with the constitution and laws of France.

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* For enclosure see correspondence with French legation.

The bureau of immigration here will be apprised of the instructions given to you in this despatch, and may be expected to act accordingly.

You may communicate the views herein expressed to Mr. Drouyn de Lhuys.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 453.] DEPARTMENT OF STATE,
Washington, May 7, 1866.

SIR: I recur now to your two despatches of the 13th of April, Nos. 302 and 303.

In those papers you have given us an account of your intervention in the cases of George Schneider, J. Baptiste Cochener, François Pierre, and Frederick Todry, severally. Each of those persons, though a native of France, was naturalized in the United States, and two of them served in our military forces during the recent war. Each of them having returned to France, bearing a passport of this government, was arrested, cast into prison, and detained a painful period, awaiting trial for "refractoriness" against conscription, as a crime against the civil laws of the empire.

Your despatches are accompanied with the correspondence which has taken place on this subject between yourself and Mr. Drouyn de Lhuys.

It is gratifying to perceive that the replies of Mr. Drouyn de Lhuys were made with due consideration, and in a becoming and friendly spirit. It is also a source of much satisfaction that all the parties were, after considerable delays, released. You will, if opportunity offers, obtain from the several parties such statements as will enable us to present applications in their behalf, respectively, for indemnity for losses and hardships, if there shall be found sufficient merit to support such a measure.

In regard to the general subject of the dishonor in France of our passports of naturalized citizens, the President thinks it desirable that you should solicit a conference with Mr. Drouyn de Lhuys.

In such a conference, you may say to him that we appreciate the difficulties and the delicacy of a conflict between immunities demanded by the passport and the laws of military conscription. We have encountered the embarrassment of that conflict in our late civil war. The result of our late experience is that a foreign passport may be safely taken as furnishing presumptive evidence of a title to exemption from military service, so long, at least, as the government which grants the passport shall be found to be acting in good faith, and in conformity with the law of nations.

Second. That when a person representing himself to be an alien, and whether producing a passport or not, is conscripted, he shall be at liberty to present his claim, with evidence in its support, to a competent military tribunal, by which the case shall be heard summarily; a discharge by such military tribunal to be final. If, on the contrary, the claim of an alien is overruled by the military tribunal, then the discharge, with the facts relative to the case, shall be remitted to the minister of state charged with the conduct of foreign affairs.

At every stage of the case the representatives of the nation whose protection is invoked are allowed to intervene. If the department of foreign affairs decides the claim of alienage to be well taken, the conscript is immediately released. If, on the contrary, the claim of alienage is denied by that department, then it becomes a subject of diplomatic discussion.

A considerable proportion of the inhabitants of the United States are foreigners, either naturalized or unnaturalized. They came to us from all the

nations of Europe, as well as from American states. We raised in four years, not altogether without conscription, armies unparalleled in numerical forces, yet cases of injustice and hardship, resulting from the denial of justice on the plea of alienage, are believed to have been very rare.

You will submit to Mr. Drouyn de Lhuys, in a friendly manner and spirit, the question, whether it may not be found practicable to make some modification of the imperial military laws, in conformity with these suggestions.

All the rigor of invention, all the resources of commerce, and all the influences of civilization, combine to stimulate intercourse between citizens and subjects of friendly states. Care ought to be taken by every government not to obstruct this intercourse unnecessarily, or to suffer occasions for the wounding of national sensibilities to arise where they can be prevented.

I feel sure that the enlightened government of France will concur in these sentiments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 316.] LEGATION OF THE UNITED STATES,
Paris, May 10, 1866.

SIR: It has been reported in the Paris correspondence of some of the continental journals, that a contract had been entered into with the French Transatlantic Steamship Company to transport such Austrians as may be recruited under the supplementary article of the convention of Miramar, from Trieste to Very Cruz. As there were but three parties with which such a contract could have been entered into, Austria, Mexico, and France; as Austria would not be likely to make a contract for a heavy expenditure in an enterprise in which she had no corresponding interest, and as, if she had, she would be more likely to employ her own transports than those of a foreign state; and finally, as Mexico is notoriously without means to fulfil her part of such a contract, I inferred that France was the only power at all likely, in the present state of affairs, to spend any money in providing troops for the occupation of Mexico. My suspicions were so much strengthened from other sources, that I availed myself of the first suitable opportunity to invite the attention of Mr. Drouyn de Lhuys to these reports, and to ask what, if any, credit deserved to be given to them. His excellency replied that he had seen it stated in the public prints that the Transatlantic Company had undertaken the transport of some Austrians to Mexico, about eleven or twelve hundred, he thought, but he understood that it was a private contract between Mexico and the company. He could not say positively, without inquiring, that the contract had not passed through the ministry of marine, but he thought it highly improbable that a step so irregular should have been taken without his knowledge. He then proceeded to take a note of the matter, and promised to let me know the result of his inquiries. Unless I have an answer shortly, it will be safe to infer that my suspicions were well grounded. Should such prove to be the case, I shall consider myself instructed by your despatches to Mr. Motley of the 19th March and 6th and 16th of April last, and by your previous despatches to our consul general at Alexandria, in reference to the levy of Egyptian troops for Mexico, to protest against any further steps being taken to execute the contract.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 459.] DEPARTMENT OF STATE,
Washington, May 12, 1866.

SIR: I have just now received your confidential note of the 27th of April, which treats of the relations of the United States and France with Mexico.

On the 12th of February last I addressed a note to the Marquis de Montholon, in which, by the President's direction, I submitted for the consideration of the Emperor the views of this government concerning the state of the French intervention. On the 5th of April Mr. Drouyn de Lhuys replied to that communication, and gave us to understand that the Emperor would withdraw the French troops from Mexico in three parts, the first to leave that country in November, 1866, the second in March, 1867, and the third in November, 1867. On the 25th of April I had the honor to reply through the Marquis de Montholon, accepting that assurance.

The President has supposed that with the definitive conclusion of the arrangement for evacuation which was thus made in that correspondence, the anxiety prevailing in this country with regard to the French intervention in Mexico was brought to an end, and that, practically, the two governments might come at once into a condition of harmony upon that heretofore embarrassing subject. Recent events, however, not especially significant in themselves, have reawakened the concern which was thus supposed to have been put at rest. The journals published at Havana and at St. Thomas speak of the passage of steamers with 1,200 fresh troops from France, by the way of those ports, to Vera Cruz. From a creditable source, also, we hear of the departure of 300 troops of the so-called "foreign legion" from St. Nazaire, on the 16th of April, for Vera Cruz.

These transactions are seized upon in the United States as showing that the determination of France to evacuate Mexico is not fixed, and that it is unsafe for this government to rely upon the assurances it has received in that respect. It becomes my duty, therefore, to inform you that, without important exceptions, the whole American people are in such a condition of disquiet with regard to the subject, that it would not be a matter of surprise to the President if Congress should adopt some proceeding which might entirely change the attitude of this government in regard to the war between France and Mexico.

It is hardly necessary to refer you to the fact, that although the public mind was at the moment reconciled to the acceptance of the engagement between France and this government, yet, it was, nevertheless, so reconciled only by the assurance that Austria would not be regarded by us as neutral, if she should now send military forces, or permit them to be sent to Mexico, to replace the retiring French army. Nor is it necessary to say that the President confides in the loyalty of France, and does not for a moment allow himself to apprehend that the Emperor, by sending or permitting new troops to go forward to Mexico, intends the least departure from the spirit of the existing engagement. You will perceive, therefore, that there is a necessity on our part for having such explanations as will enable us to relieve the subject from all uncertainty, and so far as possible from public misapprehension, with as little delay as convenient.

You will see Mr. Drouyn de Lhuys, and in the first instance, at least without a formal note, ask his attention to the situation of the Mexican question, as I have herein presented it. To render your task more easy, I give a copy of this note to the Marquis de Montholon, who may perhaps write upon the subject to his government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 320] LEGATION OF THE UNITED STATES,
Paris, May 16, 1866.

SIR: I translate from La France, of last evening, the following announcement:

"The embarcation of troops of Austrian volunteers for Mexico has been countermanded. Those enlisted have been discharged, and the majority of them have been enrolled in the army of the north."

I suppose I may consider this paragraph, in a semi-official paper, as practically answering the inquiry which I addressed to the minister of foreign affairs on Thursday last, and as finally disposing of what threatened to become an unpleasant complication.

Apropos of our relations with Mexico, and more especially of the latest phase of them, I invite your attention to the annexed extracts from the Memorial Diplomatique, semi-official, and from the Debats, mild opposition.

General Almonte, who was appointed to replace Mr. Hidalgo at this court as the representative of Mexico, has arrived.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Memorial Diplomatique, May 13.]

According to an American letter published in the Times, the minister of the United State at Paris recently suggested to the cabinet of the Tuileries that, for the purpose of arresting the military reprisals in Mexico, the Juarez government should be informed of the limit within which the French army of occupation should be withdrawn. Mr. Drouyn de Lhuys delivered this overture for the reason that the French government had no means of communication with Juarez. At length Mr. Bigelow offered for this purpose to the cabinet of the Tuileries the good offices of his government, near which is accredited the Juarist agent, Mr. Romero.

It appears, from our information, that what there may of truth in this story relates to the steps formerly taken by the federal cabinet to induce France to demand from the Mexican government the repeal of certain decrees concerning the Juarist brigandage. These steps, and the reception which they met with from the minister of foreign affairs of France, all this is found at length in the Livie Jaune of 1866; and we believe that no later incident could have changed in this regard the rule of conduct of the imperial government.

[From the Memorial Diplomatique, May 13.]

According to the information which reaches us from Vienna, the imperial government has had no difficulty in convincing Mr. Motley that Austria has no intention to send troops to Mexico to replace; that the volunteers in question cannot be considered as Austrian soldiers, as it is of their own accord that, after having fulfilled their military obligations in their own country, they enlist in the service of the Emperor Maximilian to form an integral portion of the Mexican army.

The proof that this incident seems to have been settled in a satisfactory manner is, that the embarcation of one thousand Austrian volunteers was to take place the 10th of May instant, at Trieste, where, since the 7th, the Tampico has been lying at anchor—a vessel of the Transatlantic Company, on board of which they were to be transported to Vera Cruz.

[From the Journal des Debats of May 14, 1866.]

We yesterday called attention to the despatches of Mr. Seward to the minister of the United States at Vienna, in which the American Secretary of State protests against the sending of Austrian volunteers to Mexico, in terms whose earnestness every one can appreciate. The Constitutionnel thinks it can announce this morning that all difficulties are removed in the

matter, and that the explanations given by the Vienna cabinet have fully satisfied the minister of the United States, so that a first detachment of 1,000 volunteers was to embark on the 10th May at Trieste, for Mexico. To tell the truth, the Constitutionnel knows nothing of these facts of itself, but gets them from the Memorial Diplomatique, in which, for our part, we are far from having absolute confidence. It may be, after all, that Austria has not thought proper to pay attention to the protest from Washington, although she has at this moment affairs enough on hand not to seek for new ones. We shall soon know if it is true that one corps of volunteers set out three days ago for Vera Cruz, on board the Tampico: but even if this fact were exact, it would not be enough to prove that an understanding in regard to this question of volunteers exists at present between Austria and the United States. The very categoric language of Mr. Seward permits us to doubt this. We shall wait, therefore, until the texts of the arrangements concluded between the two governments is made known to us before we believe it, by the Constitutionnel's leave, which indorses statements of which it has no proof except the assertion of the Memorial Diplomatique, which are always to be received with caution.

Mr. F. W. Seward to Mr. Bigelow.

No. 460.] DEPARTMENT OF STATE,
Washington, May 18, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 23d ultimo, enclosing a passport purporting to have been issued by the governor of Louisiana, which was presented at the legation in Paris to be visaed. Your proceedings in declining to recognize this instrument are, as a matter of course, approved.

The governors of the several States have been notified by circular that the granting of passports by them, or by any other State authorities, is in contravention of the Constitution and laws of the United States, and of the law of nations, and that such instruments will not be recognized by this department, or by the governments of foreign nations.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 328.] LEGATION OF THE UNITED STATES,
Paris, May 31, 1866.

SIR: I have your despatch No. 459, marked "confidential," and had proposed to discuss its contents to-day with the minister of foreign affairs. His excellency, however, had received a summons to the palace, which compelled him to terminate his reception of the diplomatic corps abruptly. He remarked, with a smile, as I entered, that he knew what I came for—that I had a harsh message to him. "Am I not right?" he asked. I told him that I had been instructed, as he was aware, it seemed, to acquaint him with the disquiet which certain reports in regard to the transport of fresh troops from different quarters of the world, to Mexico, had occasioned in the United States, and I expressed my fear that these reports, unless met promptly by some satisfactory assurances, might develop discussion upon another theatre imperfectly informed of the actual situation, and of the dispositions of the imperial government, thereby aggravating the difficulties with which both governments already had to contend. I then said, that as he was called elsewhere, I would wait upon him at any other more convenient hour that he would name. He proposed that I should call again on Saturday at 1½ p. m.; mean time he wished me to be

assured, as he had assured me on several previous occasions, that the troops reported to have sailed for Vera Cruz were to replace others whose terms of service had expired, and in numbers less rather than more than were there before. He believed, also, that the orders for their shipment were given before the proposed recall of the army was announced. Upon all these points he expected to have more precise information from the minister of war to give me on Saturday. As I was going out, his excellency repeated what he has often said, that they were but too anxious to withdraw their troops from Mexico; that they would be withdrawn certainly not later, but probably sooner, than the time proposed.

I then took my leave without alluding to the other subjects about which I was specially instructed to confer with him.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 336.] UNITED STATES LEGATION,
Paris, June 14, 1866.

SIR: In compliance with your instruction of the 1st of May, No. 444, I spoke to-day with his excellency the minister of foreign affairs of the relations of Hayti and St. Domingo, and of the recent invocation by the latter of foreign influence to secure the recognition of her independence by Hayti. I ascertained in the course of a brief conversation that Mr. Drouyn de Lhuys had instructed the French agents in both extremities of the island to use their influence in favor of establishing peaceful and friendly relations between the two republics before the recent circular was issued by St. Domingo, but this instruction was general in its character, and related to no specific proposal from any quarter. I gathered from what he said that it was written not long after the flight of Salnave. I mentioned that we had received the same circular as that which had been addressed to the consul general of France, and I asked him whether he thought the counsel of foreign powers could contribute to the harmony of the two governments. He said, without hesitation, that he thought it could, and professed his readiness to unite with me in a note to the Haytian government. I replied that I had no instructions that would justify me in taking such a step, and if in view of what he had said my government should think it worth while to co-operate, that the separate and independent action of the governments addressed might, perhaps, be the most efficacious. He assented to the propriety of this suggestion, at the same time assuring me of his readiness to co-operate jointly or separately, and with or without pressure, to procure the recognition of the Dominican republic by Hayti, and the restoration of harmony between their respective governments.

I declined to embrace his proposal to make a joint note—first, of course, because I had no instructions that would have authorized such a step, and secondly, because I did not suppose that even in that indirect way would the United States countenance the interference of France with the political administration of any American state.

I am, sir, with great respect, your very obedient,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 337.] LEGATION OF THE UNITED STATES,
Paris, June 14, 1866.

SIR: The following paragraph appeared last evening in the columns of La France:

[Translation.]

"The Presse, of Vienna, publishes despatches from Paris, announcing that the emperor of Mexico demands the financial support of France, and threatens to abdicate if he does not obtain it.

"It says, also, that the French government is determined to reject the demand, and has sent instructions to Marshal Bazaine, forbidding him to call a free election, in case of Maximilian's abdication.

"We leave the responsibility of this news to the Free Presse; for it must be accepted with certain reserve, on account of its importance."

I spoke of this to Mr. Drouyn de Lhuys to-day, and asked if the facts warranted any such statement. He smiled and said, that France did not mean to place any more money in Mexico; that they had invested all they ever meant to in that quarter. I asked about the threat of abdication imputed to Maximilian. The "France," he replied, "is a little too advanced—a little rash." "Then he has not held out any such threats," I asked. "No, not that we have heard of," was the reply; "but," he added, "while we are asking questions, what may Santa Anna be about in New York?" I replied that I had not a particle of information upon the subject, nor could I gather nourishment for a good suspicion upon the subject; that his name had not once been mentioned in my correspondence from the State Department, and I had been able to derive no distinct impressions from my private correspondence or from the press. I suggested that the name of Santa Anna had occurred to me at one time as a *tertium quid*, with which, perhaps, the French government might make a transaction, in case Maximilian failed finally to make himself acceptable to the Mexican people, but as yet I saw no evidence of his having the necessary prestige among the Mexicans for such a role. He assented to that view of Santa Anna's position, and then the conversation on the subject of Mexico dropped.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Department of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 338.] LEGATION OF THE UNITED STATES,
Paris, June 14, 1866.

SIR: I have the honor to invite your attention to an important debate which occurred yesterday in the Corps Legislatif in reference to the new attitude assumed by France towards Mexico. The budget was under discussion, and Mr. Jules Favre availed himself of the occasion to arraign the government for its disastrous financiering in Mexico, and to compare the position of France, as revealed by the correspondence recently communicated to the Chambers, with that which she occupied, according to the government orators and the official press, a year ago. Mr. Favre concluded by inquiring of the orator for the government, Mr. Rouher, whether it would be safe to withdraw a part only of the French army from Mexico, and whether it would not be more prudent to withdraw them all in a body.

Mr. Rouher made no reply. The government declined to enter into any dis-

cussion of the subject. A sort of defence of the government was attempted by M. Jerome David, a reputed son of the late Prince Jerome Bonaparte, which relationship gave to his remarks their principal importance perhaps. He closed with a timidly phrased sort of warning to the United States not to tread upon the heels of the retiring army of occupation, which was the only part of his discourse of special significance.

A translation of the debate, from the Moniteur, and a copy of the yellow-book containing the promised continuation of the correspondence on Mexican affairs, submitted a few days since to the Corps Legislatif, accompany this despatch. This latter document is chiefly remarkable for the limited amount of information on the Mexican question which it adds to the stock already in possession of the public.

I remain, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Extract from the Moniteur Universel of June 14, 1866.—Translation.]

CORPS LEGISLATIF, *Sitting of Wednesday, June* 13, 1866.

M. JULES FAVRE. The distribution recently made to the Chamber of documents calculated to enlighten us on the subject of our real position in Mexico, imposes upon us the duty of examining, in so far as relates to that particular point, into the action of government, and into the resolution which it intends to adopt.

This duty is the more stringent since the serious agitation in Europe, which is pointed out to us, may lead to complications in which our honor, our security, and our peace would become immediately involved. It is therefore indispensable that we should know what course is to be pursued in an expedition which might, in case of a conflict on the continent, have such serious consequences. For my part I have no need, in the observation which I ask the Chamber to kindly listen to, to inquire into all the facts, to examine all the difficulties arising from that great expedition. I have several times had occasion to express my views in that respect, and those views have not changed. The time does not seem to me to have yet arrived for telling the whole truth. While our troops are yet engaged in Mexico we must, gentlemen, restrain the judgment which our conscience shall oblige us to pass, basing ourselves upon the sentiment and the conscience of the Chamber.

All that appears to me opportune and politic to do for the present is to examine, in a few words, what has been done since we parted, and what remains for us to do. Now the solution presented by the government, although resembling those which we have constantly advocated, cannot, under present circumstances, meet with our full approval. They cannot receive our approval for reasons which can be easily understood; for reasons which are justified by the painful comparison of the documents submitted to us with the former declaration of the government.

You will remember the pride impressed in these declarations, to which you have so often paid the homage of your applause; how the speeches pronounced in this hall were full of pompous promises; how those who dared to deny the hopes of which Messrs. the ministers were the non-responsible editors, [laughter around the speaker,] were called pessimists, peevish narrow-minds, incapable of understanding vast designs or generous thoughts.

Alas, gentlemen! the truth which government now reveals to us overthrows all these sad fictions.

I have said that I would be moderate. I shall keep my word, and I do so when, casting my eyes over the documents distributed to you, I discard the first of them; for, in my opinion, the only manner of treating it in a French Chamber is to say nothing about it. [Disturbance.]

M. GRANIER DE CASSAGNAC. I demand the floor.

M. JULES FAVRE. Yet, gentlemen, the government has been under the painful necessity of accepting that document and of declaring that, in view of the injunction it contains, we should leave Mexico.

It has done more; it has made on that question unexpected revelations which, all at once, have cast upon the whole situation a very different light from that under which it had heretofore been presented.

In fact, as you will remember, gentlemen, since that expedition was commenced you were incessantly foretold not only that our arms would be successful, but also that the undertaking would prove a complete success in a political point of view. Yet I may assert, with full confidence that I am not mistaken, that if the adhesion of the Chamber was obtained, as I deeply regret that it was, it was obtained never by telling the truth. [Approbation around the Speaker. Strong murmurs on the benches of the majority.]

I will not enter upon this point into an examination which I have from the first declared to be untimely. You remember the declarations of the honorable minister of state concerning the relations of France with Maximilian when a convention was binding them to each other; you remember the bulletins succeeding each other every fortnight, and in which you were always told of the enthusiasm of the Mexicans for their new sovereign, of the success of the latter, both in a financial and in a political point of view, of the desertion of all the bands which opposed the raising of his throne. These things shall find their place in another discussion, which we now reserve, and to remain true to what I have had the honor to say to you, I shall merely examine the facts as set forth in official declarations nearest us, as they date from last year.

Well, at that time, when we ventured to express our disapprobation and our mistrust, we were proudly answered that the policy we were attacking was far above our views; that it was the proudest jewel in the crown of the sovereign; that the glory of France, radiating even to America, would establish upon these far-off shores a civilization which we would have cause to be proud of, and M. the minister of state, in the sitting of January 27, 1864, summed up all his views in these eloquent words:

"And now let me express my whole thought. Passions shall subside, the remembrance of the money questions disappear in the impulse of public prosperity, truth become free from its present shackles, the day of posterity shall come. Then, if any one looks over our old debates, and our antiquated quarrels, and takes up the pen of the historian, he will say, that one was a man of genius, who, in spite of opposition, obstacles, and doubts, had the courage to open to the nation of which he was the chief new sources of prosperity."

And the Moniteur testifies that this passage was received with applause. [Smiles around the speaker.]

"He was the apostle of a daring but far-seeing and wise policy, who did not confine his views to the present generation; he understood both his time and the future, who saw that the European equilibrium rests no longer, as it formerly did, on the Alps or the Pyrenees, the Vistula or the Black sea—[we find it so now, unfortunately]—but that it embraces the whole world, and that such great interests should be the object of the care of France, however far the French flag may have to go to protect them.

"Yes, that shall be a page of glory, and the writer of it shall say, like the sovereign when speaking to the assembled nation, the distant expeditions, commenced for the purpose of avenging our honor have terminated in the triumph of our interests."

And the Moniteur here also testifies that the words of the minister were received with prolonged applause.

Such, gentlemen, is history, as written by the bold and confident hand of Mr. the minister of state.

By the side of this document is another of no less importance. At the opening of our labors the Emperor pronounced these words in reference to Mexico:

"In Mexico the new throne is becoming consolidated, the country is getting pacified, its immense resources are developing; these are the happy results of the courage of our soldiers, the good sense of the Mexican people, and the intelligence and energy of its sovereign."

These words find their confirmation in some lines of the "Expose of the situation of the Empire," where I read:

"The results obtained by our expedition to Mexico in 1862 and 1863 have, in 1864, received a solemn confirmation. Under the shadow of the French flag a regular government has been established in that country, devoted for over fifty years to anarchy and internal dissensions. In the early part of the month of July Emperor Maximilian has taken possession of the throne, and supported by an army, is preparing in security an era of peace and prosperity for his new country."

I acknowledge, however, that this concert of praise was disturbed by a voice which, on this question, had great authority. It was that of a warrior who had led our victorious armies in Mexico. He said to the Senate, in the discussion of the address of March 11, 1865:

"Yes, unfortunately, everything is to be done over again in Mexico. The moral sense there is thoroughly perverted; there is no longer any administration, nor justice, nor army, nor national spirit; we may almost say there is no longer anything"——

A MEMBER. But robbers.

M. JULES FAVRE. These words are not very reassuring.

It is true that the honorable marshal added:

"But this is not the fault of the nation; at the bottom they are good, they are generous, they have the proud and noble feeling of the people from whom they are descended—of the Castilians, the proud Castilians; I therefore do not in the least despair of that country."

These, gentlemen, were, so to speak, attenuating circumstances granted to Mexico; it was forgiven on account of the generosity of its character. The honorable marshal permitted himself to be carried away by a feeling of patriotic indulgence towards that country which, however, he condemned in that severe judgment that it was lacking in moral sense, had no justice, no army, no nationality, and that where there was nothing, one was trying to establish something.

Such was the appearance of things in 1865. Yet you know, gentlemen, that at that time

there was a shadow over the picture, and that shadow was the very finance question which disturbed many serious minds.

Indeed, if Mexico appeared drifting with irresistible enthusiasm towards Maximilian's throne, that enthusiasm was exceedingly costly; for, during the years 1864 and 1865, one hundred and fifty millions were absorbed. This was not enough; two hundred and fifty millions more were asked for; and you have not forgotten, gentlemen, the discussion which arose upon this point about the loan of which the government became the official sponsor. We ventured to call the attention of the Chamber to the portentous conditions under which this loan was presented.

Aside from all political considerations, and from those higher motives which political men should always seek in the eternal right, because the great of this world can never disregard it without meeting the day when they have to reckon with those whose rights have been injured, aside, I repeat it, from these higher considerations, we ask, is it possible that a loan solicited under so disadvantageous and, we may say, scandalous conditions, could succeed? What! the lottery system is restored! The coarsest bait is made use of to attract the confidence of those who would gladly invest their money elsewhere; and you permit such things; do you not comprehend the danger? do you not see that Mexico borrows at such high rates only because it is sure never to pay?

At that moment, near the place which I have the honor to fill in this hall, arose one of our honorable colleagues. His was an exceptional position. I admit he had received from government a special mission which he had faithfully accomplished; he knew Mexico much better than most of us; he had a right to speak, and I do not exaggerate when I say that his words fell upon the majority in the Chamber like a sort of soothing dew after a great heat. All difficulties appeared to vanish, and under the spell of the picture drawn by our honorable colleague, nothing could be more guilty or more unjust than the distrust of those who would not believe in the prosperity of Mexico.

Such, gentlemen, were the circumstances under which the loan was contracted, and I shall have occasion in a moment to refer to them again.

This occurred in 1865, in the month of April, and during the whole of 1865—you have not forgotten it—every fortnight the Moniteur brought us, not official documents; we always asked for those official documents; we asked for an official statement of the number of men in Mexico—of the wounded and the killed; we asked for it in the name of their families, which certainly have some right to care for the blood of their children, and never obtained any satisfaction; no official bulletin was ever published in the Moniteur. The Moniteur, like a historiographer, who can dispose of the events which he relates, merely presented to us at the arrival of every steamer statements of which this is the faithful resume: "Everything is pacified; but wherever we are not, dissidents are found whom it is necessary to pursue. The popularity of Maximilian is increasing in an unexpected proportion; yet our troops are obliged to have partial fights, and are always on the alert."

Yet these bulletins paled for an instant before the magnitude of a new fact proclaimed by the Moniteur, and which was of extreme importance. On the 2d of October, 1865, says the correspondence of Emperor Maximilian, Juarez has left Mexico, and the new sovereign, taking this time full possession of the power intrusted to him, mentions to his people this great and beneficial news; hereafter he will have no opponent; he is indeed the legitimate head of the imperial monarchy, and is going to prove, you shall see in what manner.

"They write from New York, [it is the Moniteur from which I quote,] in spite of the activity of the Juarist emissaries in our city, the cause of the ex-president may now be considered as entirely lost. Official news immediately published in all our papers announces that Juarez has left the territory of Mexico, entered upon the territory of the United States, and abandoned his cause.

"Hardly had this news been confirmed by this morning's papers, when the steamers from Havana, which arrived this afternoon, brought to us the news which reached that port on the 12th instant, by the packet La France, that Emperor Maximilian in his proclamation dated October 2d, [I beg you will not forget that date,] officially announced that Don Benito Juarez, after a long struggle, had been compelled to yield to the national will, and to leave Mexico."

Gentlemen. how will the Emperor Maximilian celebrate this great event which liberates his country, since Mexico was always represented to us as bowed under the tyranny or rather under the shadow of tyranny of Juarez—a ghost whom it took four years to lay? [Disturbance.] How will he manifest his joy in announcing that whosoever henceforth may resist him shall be put to death?

M. GLAIS-BEZOIN. That was his gift for the joyous event of his accession.

M. JULES FAVRE. Here is the end of the sentence, and the Chamber must permit me to read it:

"* * * And that the robbers who claim still to be his adherents shall be outlawed and treated as bandits. * * *"

And the Moniteur considers this news as so important that it recommends it to its readers.

You know, gentlemen, that this recommendation in the Moniteur is particularly intended for those who do not read it [laughter around the speaker] for all Europe, in order that the opinion of the government on this or that event may be thoroughly known.

I continue:

"The correspondence dated New York, October 23, which we publish below, gives very interesting details on the state of public opinion in the United States in relation to Mexico."

Well, these facts given by the official organ are incorrect; we must except the proclamation of Maximilian, and the gentleness of his august mercy to those who take up arms against him. These things, gentlemen, are unfortunately true, and history will record them. But what was not true, was that the country had never ceased to be full of disaffected persons. The Juarez proclamation was dated October 2, 1865. On the 16th of November, Marshal Bazaine wrote to M. Riva Palacio, general-in-chief of the central Juarist army, asking for an exchange of prisoners. I do not present the expressions of that letter to the Chambers, as that is useless; but they show that the state of war was still continued, although officially, and in the eyes of Europe, which may still believe in the veracity of the Moniteur, the end of it had been announced. In 1865, in the month of November, the struggle was still going on, and the loan had been contracted, and on the strength of one of us who had vouched for these assertions—on the strength of the words of the minister who had endorsed them—the money of France had come out of the family chests to be swallowed up in that Mexican disaster, which I shall show up to you in a moment, with the authority of the government.

And in September, 1865, things had reached such a pass that had 250 millions been subscribed in France and elsewhere, thanks to the bait of these 500,000 francs lotteries paraded before the eyes of the poor people whom they dazzle, our country people would still not have received the indemnity due them. It is not irrelevant to recall that, as shall be hereafter established, as has been already shown before you, at the start the amount claimed, justified and recognized in a synallagmatic contract between Mexico and France, amounted to 750,000 francs.

This, gentlemen, is what has been stated in this very place, and was not contradicted by the ministers, for it was based upon official documents; there are four millions of hypothetic claims, which afterwards rose to twelve millions, and later still reached sixty millions; they grew with the insolvency of the debtor, as is always the case; but down to September, 1865, nothing was settled; perhaps the Jecker bonds, [laughter and approbation around the speaker,] I do not know, and if I am ignorant on that point it is not my fault—it is the fault of the government; for everywhere outside of these walls we are told, and we are shown documents which might prove, that that scandalous affair which I had the honor of exposing in the Chamber has been one of the greatest cares, I will not say of government, but of the traders. [Noisy interruptions and lively disclaimers.]

His Excellency M. ROUHER, Secretary of State. You should not employ your talents in spreading such calumnies.

Mr. JULES FAVRE. Well, in the month of September our countrymen had not yet been indemnified.

Among the documents distributed to us is a despatch to which I would call your attention. I repeat, we are at the month of September. In the month of September a treaty was concluded by which the indemnities to be granted to our countrymen were to be regulated; they are to accept the reduced amount of forty millions.

Indeed, gentlemen, in my opinion those figures are much above their real claims. But on the other hand, these forty millions never went into their hands; the commission may or may not have received them. I don't know about that; still I doubt its having received them, for these forty millions are forty millions in paper, and in paper on an empty treasury. The government will tell us about it. But at any rate, gentlemen, if a settlement was arrived at in September and in December, 1865, it was not out of regard to the principal; it was because it became indispensable that these claims should be regulated for the very reason that it was our right and our duty to demand it of the government that they should be I find in the despatch of Mr. Dano, chargé d'affaires of France in Mexico, dated December 28, 1865, on page 30, an account of the resistance of the emperor Maximilian, who wished very much not to settle that claim. The despatch informs us by what decisive reasons he was induced to do it.

"I met at first with very strong opposition," says Mr. Dano. "The emperor and Mr. Castillo claimed, which is true, that the surrender of similar bonds of the second loan in the place of bonds of the first would be more disadvantageous for the Mexican treasury—the conversion"—[this relates to the conversion into bonds according to the resolution passed by the government]—"the conversion and the establishment of premiums having led to rather considerable outlays." And the chargé d'affaires adds: "However, I became so pressing that I gained my cause the very next day. I made them understand that the Emperor Napoleon and his government must be put in a position to declare to the French Chambers that the question of claims is finally settled."

Your power, therefore, gentlemen, still amounts to something! [Approbation around the speaker.] At least so thought Mr. Dano on the 28th of December, 1865, and it was one of the levers with which the resistance of our debtor was overcome. The forty millions were thus devoted to our countrymen; but are those forty millions, gentlemen, of a nature to fully remove their fears?

Here arises a question which the government has settled in so clear a manner that I should

weaken the argument I have to offer you if I were to omit presenting you its very words· Mr. the minister of foreign affairs, as a watchful guardian of the French interests, experienced a very natural feeling of displeasure on hearing of any curtailment of claims recognized by treaties.

But, gentlemen, he invites the representatives of France in Mexico not to be too hard to please. The circumstances are such, the debtor's position is so alarming, that one must take what one can get; and here is what the Hon. Mr. Drouyn de Lhuys, minister of foreign affairs, says on the 14th of January, 1866:

"Our expedition had originally for its sole object to follow up the adjustment of our claims and the amends to be made to our countrymen. If we have, however, thought it useful to lend our aid to the efforts of a nation desirious of the restoration of order and prosperity under a regular government; if our legitimate interest led us to assist the prince who devoted himself to that generous undertaking, our co-operation had still to be restricted within settled limits, which the convention of Miramar had for its object to determine. The reciprocal arrangements stated in that act have settled the measure and the conditions in which the French forces might be employed to strengthen a friendly government. It were useless to insist upon the motives which place the court of Mexico, in spite of the uprightness of its intention, in the recognized impossibility of henceforth fulfilling those conditions."

As for me, gentlemen, it seems to me, on the contrary, that it would be very opportune to know those causes, since our interest is so closely connected with them. But I am willing to accept for the discussion the restrictions of Mr. the minister of foreign affairs, and I proceed:

"On the one hand any appeal to credit would be useless. On the other we cannot, departing from the conditions agreed upon, assume the exclusive charge of the Mexican government, providing with our army for its defence, and with our finances for its administration."

What a marvellous result of the confidence which surrounded that prince, of the assistance given him by France, of those four hundred millions procured by the loan and swallowed up by that ruinous sovereignty! We are obliged to uphold him with our blood, to pay his army, and to pay his internal administration, else he disappears! And that also is said by Mr. the minister in his despatch of the following day, January 15, 1866, which is no less significant.

Speaking of the convention of Miramar, he says that that convention was declined by Emperor Maximilian himself. That man who was acclaimed not only for his imperial probity, but also for his political strength, himself breaks his word.

And the minister adds:

"Such was the object of the Miramar convention, which was to remain the standard of our reciprocal rights and duties. It would be of no interest now to revert to the circumstances which prevent the Mexican government from fulfilling henceforth the obligations imposed upon it by that act, and which threaten to throw upon us, without any of the promised compensations, the whole burden of the charge of the new establishment."

We said these things last year and in the years preceding, and you interrupted us with murmurs. To-day you listen to them because it is unfortunately the minister who has come over to our side. [Noises.]

"I shall not insist upon the observations on that point, which will be found in great number in my correspondence with the Emperor's legation. It appears superfluous to me now to inquire, in an idle discussion, into the causes of a position which my duty compels me merely to state. In point of law the Mexican government being no longer able to fulfil the conditions of the bilateral contract which bound us to it, we are ourselves freed from the obligations we had assumed."

And a little further on:

"The Mexican government is powerless to supply us with the financial resources indispensable for the maintenance of our military; it has even asked us to take upon ourselves the burden of most of the expenses of its internal administration. These difficulties are nothing new, and we had repeatedly tried to provide for them by facilitating loans which placed important amounts at the disposal of Mexico."

And the minister adds sadly:

"What remains for us to do in presence of the recognized emptiness of the Mexican treasury, and of the charges thrown upon us thereby? The provisions of our budget furnish us with no means wherewith to supply this deficiency. Mexico not being able to pay the troops which we maintain in that country, it would be impossible for us to retain them there. As for asking a new credit from our country for that purpose, I have already talked that over with you. As I then told you, public opinion has declared, with irrevocable authority, that the limit of sacrifice in that direction has been reached." [Approbation on several benches near the speaker.]

Yes, public opinion is enlightened, and if you were still able to mislead it you would yet take millions from us to throw them to foreigners. [Noisy interruptions, and lively protestations.]

NUMEROUS VOICES. Order! Order!

M. GRAVIER DE CASSAQUAC. These are odious accusations.

M. COUNT DE TAULONGEEN. Such language cannot be tolerated.

M. COUNT CAFFARELLI. It is not permitted thus to insult the legislative body.

M. President WALEWSKI. Mr. Jules Favre, you indulge in regrettable accusations; and you chose your time very badly for bringing such accusations forward, since you acknowledge, yourself, the frankness of the government, by what you have just read. Do not, therefore, accuse it of insincerity. [Very good! Bravo! Bravo!]

M. GLAIS BIZOIN. Compulsory sincerity at present! The course of events renders it necessary.

M. JULES FAVRE. I wish to answer with facts, and those which I shall quote cannot be contradicted in this assembly, since they were accomplished by and emanated from it.

Now I have said that the situation established by the minister of foreign affairs—with a frankness to which M. the president has just now called your attention—was nothing new. The difficulties of the Mexican government were known long ago, and it was impossible that they should not be known. These difficulties are nothing new. When did they originate? They originated—and it is the minister says so—from the time that the loans were facilitated.

They knew when the loans were asked and contracted for, that the situation was bad; they wished to provide for it, and it was for that purpose that we heard in this hall the words to which I allude, but which I shall define more fully, since my honorable opponents desire it. Yes, indeed, that situation was known; one would need to be blind not to have discovered it; not to have seen that nothing but inextricable difficulties were to be met with; and there must have been a secret design which I have been unable to foresee or to fathom, to throw over the truth, which so many saw, the veil which we will find beneath the words I have already alluded to. Thus, when the Hon. Mr. Corta, taking the floor on the subject of this loan—for it is a monetary affair in which our country was involved; the gold of France as well as its blood were spent in that fatal undertaking—[Very good, around the speaker; murmurs on several benches,]—he said:

"As for me, the mature conviction which I bring back from Mexico is, that Mexico wants but two things to rise again—a regular government, and time."

"A regular government it now undoubtedly possesses. From Vera Cruz to Mexico, the emperor Maximilian, whose election is being criticised, was accompanied by a ceaseless ovation. What was the true, the national sentiment which lay at the bottom of this enthusiasm? It was easy for an impartial witness to see it.

"In fact, for the Indians, that is to say, for the great majority, the emperor Maximilian was the man of the predictions, the man coming from the east, with golden hair and azure eyes." [Interruptions.]

This is but what you heard, gentlemen: "With golden hair and azure eyes." The Indians, unanimously, candidly, and enthusiastically, proclaimed emperor Maximilian as their liberator, and this was very natural.

Then the Hon. Mr. Corta expressed himself on the financial position, and said:

"However, the present budget, as submitted to the deliberations of the council of state, amounts only to one hundred and fifty millions, including the interest on debt.

"Thus, so far as the external debt is concerned, you see that the Mexican government has, for the present, no occasion to take any pains to provide for it.

"Remains the internal debt."

We are well aware that, in order to pay the debt, it had to apply to France, since its exchequer was empty, and the Hon. Mr. Corta was not the only one who held that language. The honorable minister of state added this solemn declaration, which had such great weight throughout the country.

"As regards the Mexican finances," said he, "Have not the details furnished by the Hon. Mr. Corta given the Chamber most precise information concerning the magnitude of that country's resources?"

And you, gentlemen, who did not know it, you exclaimed, "Yes, yes!" trusting, as you did, in that double assurance.

"Have, then, no fears * * * *." [These are the words spoken by the minister in the sitting of April 11, 1865. Hardly a year has passed, and what a sudden change of scene! In the place of prosperous finances, we have before us a desperate situation. In the place of a prince with a flourishing budget, we have a prince obliged to hold out his hand for money wherewith to pay his army and his internal administration]——

"Have, then, no fears, gentlemen. The high impulse given by Emperor Maximilian shall insure the real prosperity of the finances of the Mexican empire, and give undoubted security to those who shall trust their money to it."

I will say no more.

A MEMBER. What more could you say?

Mr. JULES FAVRE. I can understand what is passing in the mind and in the conscience of several of my colleagues. I merely wish to compare these statements with what M. the minister of foreign affairs wrote in January, 1866.

"These difficulties are nothing new, and we had repeatedly tried to provide for them by facilitating loans."

Yes, you have facilitated them, indeed; for you declared to listening France that Mexico

was in a prosperous condition; that those who trusted it with their money ran no manner of risk. One year has passed by, and by your own showing, their treasury is empty, their army unpaid, their internal administration is falling to pieces under the insolvency of their sovereign, proclaimed by you.

Now, gentlemen, I ask the Chamber, in view of such a situation, can we remain satisfied with the rather too philosophical advice from the pen of M. the minister of foreign affairs, contained in his despatch of January 15, 1866?

He flatly informs Mexico—and I do not blame him for that—that henceforth the finances of France shall no longer be at his disposal. He adds, that public opinion rejects new loans, and that, consequently, Emperor Maximilian must get out of the situation by himself, and here is what he says to him:

"At a time when these various considerations oblige us to contemplate the end of our military occupation, the government of the Emperor, in its solicitude for the glorious work he has commenced, and in its sympathy for Emperor Maximilian, had to examine accurately the financial position of Mexico."

That situation is critical, but it is not desperate. It is an empty treasury, an unpaid army, an internal administration whose employés cannot get their salaries; and M. the minister has the courage to add: "With energy and courage, with a fair and persistent will, the emperor of Mexico may overcome the difficulties which he has met; but success is on that condition. Such is the conviction we have arrived at by a careful and conscientious inquiry into his obligations and his resources, and you will endeavor to impress it on the mind of Emperor Maximilian and on his government."

I have not to inquire into what passes between the minister of foreign affairs and the government of Emperor Maximilian; but I would ask with you, whether, in view of so strongly defined a position, the remedy pointed out by the French government is sufficient.

That government wants the troops to return, and so do we, and even more strongly; but we do not consider the mode of that recall sufficient, and, above all, having been so often deceived, we are yet distrustful.

Here is what I read in a despatch of April 6, 1866, summing up the intentions of the French government on that point:

"In his despatch of the 12th of February last, Mr. Seward, on his side, recalls that the United States government has, during the whole of its history, adhered to the rule of conduct which it has received from Washington, in maintaining invariably the principle of non-intervention, and he adds that there is nothing to justify the apprehension that it would prove unfaithful to it with regard to Mexico. We accept this assurance with full confidence, and find in it a sufficient guarantee no longer to delay the measures destined to prepare the return of our army. The Emperor has decided that the French troops shall leave Mexico in three divisions; the first to start in the month of November, 1866; the second in March, 1867; and the third in the month of November, of the same year. You will be pleased to communicate this decision officially to M. the secretary of state."

I say, gentlemen, that, so far as regards the return of our troops, we can only approve of it, provided this resolution be sincere, and that we will not again be deceived. And permit me, gentlemen, to say that we have, to some extent, a right to retain some doubt in view of recent publications in the Moniteur, which I wonder how we can make agree with the resolution of which I have laid the text before the Chamber.

I do not wish to tire you on that question, nor to introduce into the debate irritating elements already too abundant in it. [Exclamations and laughter on several benches.]

A VOICE. It is too late to say that!

Mr. JULES FAVRE. Well, I may say to those who do me the honor of interrupting me, that I hope our troops will come back, and then, when the French interest shall be entirely freed from that question, a debate will take place in this hall, and if God permits me to take part in it, and gives me strength to express the truth as I feel it, my honorable interrupters will hear something very different. [Exclamations on some benches; approval on others.]

M. GRAVIER DE CASSAQUAC. We will hear, and answer it too!

M. JULES FAVRE. But resuming what I had the honor to say to the Chamber, and, as I stated, being unwilling to tire you by reading documents which, however, would all tend to prove my position, I take up the last—the one, gentlemen, which mentions the despatches received at Vera Cruz on the 14th of May, and which, as you see, are four months posterior to that which I had the honor to submit to you.

M. ROUHER, minister of state. From the 6th of April to the 14th of May does not make four months.

Mr. JULES FAVRE. What did these despatches announce? They are all taken from those fanciful bulletins of the Moniteur, without our being ever allowed to see an official document. I said fanciful, and I maintain the word; it could easily be justified if required. I could say that the Moniteur has wilfully concealed afflicting facts published by other papers. M. the minister of state, who does me the honor to smile at this, knows perfectly well what I mean. [Signs of denial on the part of the minister of state.]

I have used the word fanciful, and I maintain it. The Moniteur has said what it chose to say, and kept back what it chose to keep back.

Here no one can criticise us, for this despatch is that of the Moniteur of June 9, 1866. It is the last. If there were a more recent one I would take up that.

Here is what I read in it after the preamble: That all is pacified—for it is always the same expression—and that expression can only be explained by a perpetual struggle, if not actual war.

"The Mexican General Mendez continues his operations in Michoacan; he holds the line from Tacambaro to Umapan; there is every reason to hope that the military measures which have been taken will restore quiet in that country. In that view, Marshal Bazaine has sent back to the north the columns of General Aymard and of Colonel Clinchant."

And a little further on: "General Douay, who is at Santillo, is preparing to commence operations in the centre of New Leon, disturbed by the bands of Escobedo.

"Emperor Maximilian is engaged in organizing his army, and regulating the service."

And we are told that our troops are coming back; that is to say, that they are falling back. [Murmurs.] And at the same time we are told——[Interruptions.]

Gentlemen, one must be unacquainted with the geography of Mexico, not to see that when troops are sent to the north they are not falling back towards Mexico and Vera Cruz.

I ask why we are told that our troops are returning, when they are advancing into the country? Whose interests do they uphold? Is it that of Emperor Maximilian, whom you forsake and discredit, whom you declare yourself unwilling to uphold? Such is the question which I take the liberty to put to M. the minister.

Permit me to say in finishing, that what ought most of all to occupy the attention of the Chamber, we have all but to consult ourselves in order to be assured of the unanimity of our feelings on this point. They are above all political divisions, is the welfare of the 30,000 brave men who are now in Mexico. Now, I ask you whether their interest can be conciliated with the plan announced by government of recalling them in three divisions, and at periods so far distant from each other?

You are now compelled to acknowledge that that pacific country is at least a disturbed country, since our soldiers there must always remain under arms; you are obliged to pursue all the disaffected, whom they crush when they meet with them, but who too often escape them: and it is under these circumstances, when our whole effective force there cannot uphold Maximilian's throne, cannot prevent encounters in which too often French blood is spilled, and, as we must all deplore it, uselessly spilled; it is while this struggle is going on, and 30,000 men are unable to put an end to it—it is then that you are going to decrease that force, first one-third, then two-thirds, leaving the other third exposed to all possible dangers. And that is not all; you leave them in a country which you declare insurgent, and which you have been unable entirely to subdue!

In such situations moral influence is omnipotent. But you solemnly announce that you are withdrawing. You post up Maximilian as an insolent prince. [Murmurs and interruptions.] You say that his treasury is empty. [Renewed interruptions.] But unless French be no longer understood in this hall, I have a right to speak so. I am not the author of these despatches; they are the minister of foreign affairs'; and when I draw from them the political consequences they contain, I fulfil a duty.

In weakening the French forces you strengthen the Mexican forces ten-fold; and if you wish to protect the lives of our soldiers and the honor of our flag, our retreat must take place under different conditions. The fears which I express are not chimerical, and I am not alone to experience them.

When, in the month of February, 1866, a discussion was engaged on that Mexican question in the Senate, the honorable marshal, whose words I quoted a while ago, gave his opinion; and, allow me to say, that opinion has great weight. It was he who had carried on the war, and knew the country, and could appreciate the difficulties, who said:

"It is right that we should yet a while assist him whom they have freely chosen, to repair the evil done to them by the others during fifty years of anarchy; otherwise France would not assume such responsibility before history; the leaders of disorder, the robbers who are now without a chief, fleeing before the ceaseless and energetic pursuit of our brave soldiers, in contact with whom the Mexicans are daily regaining courage, shall rally around Juarez's flag. It is to be feared that discouragement, gaining these timid people, may render them a prey to the revenge of the barbarous hordes, whose cruelty may be foreseen by those which have so often deluged Mexico in blood. And this is so true that, at the moment I am speaking, cities from which our troops have departed have been forsaken by their inhabitants."

Such, gentlemen, is the real situation, and there is no exaggeration in that picture. Our honor, the interests of our countrymen, require us not only to protect our army, but also the French residents whom our retreat will leave exposed to most horrible dangers, [Interruption.] We must protect the populations who have committed themselves on our account. We have constantly announced this; you have but to read over our speeches of the other years; you will then see that this was one of our most important preoccupations, and if your retreat takes place under other circumstances, you shall be wanting in a duty which a great civilized nation has contracted towards itself.

I ask, therefore, that government should explain its intention; that government should promise to the Chamber, if the feeling I have had the honor to express is shared by it with regard to the retreat of our soldiers, that that withdrawal shall take place as soon as possible;

that it shall take place *en masse*, so that no division may remain exposed to the people in that country who may be led by passions which the withdrawal of the first part of our soldiers would but have increased.

I ask it, gentlemen, and surely in addressing such a petition to the Chamber and to the government, do you think that I am only actuated by all the general considerations hovering over this debate? Do not the requirements of the times warn us that it would be an unwarrantable imprudence to act otherwise? Cannot these brave men who are in Mexico be useful in our country? Can we retain any illusion on that point, when in yesterday's sitting we were notified that the map of Europe was to be revised? [Lively interruptions.]

M. PAUL BETHMONT. And without consulting it!

M. President WALEWSKI. M. Jules Favre, I am obliged to ask you not to refer to yesterday's discussion. You criticise what was said yesterday, and that is contrary to the evident intentions of the Chamber. Do not criticise, therefore, for your criticism would render an answer necessary, and I repeat that the discussion on that point is not possible; you know it.

M. JULES FAVRE. I feel very humble and very small; yet I do not believe that I am yet reduced to the condition in which M. the president would wish to place me. It is impossible that a member of this assembly should not have the right, when inquiring into one of the most important questions involving the welfare of his country, to look about him. [Agitation.]

And in what incredible position would your singular restrictions place us?

We are the delegates of the people, the representatives of the nation. [Lively interruptions.]

SEVERAL VOICES. Order!

President WALEWSKI. It is to that very opinion of the delegates of the nation. [Agitation.]

[M. Jules Favre pronounces, in the midst of the uproar, some words which do not reach our ear, but which are received with approbation by those of his colleagues who are around him.]

President WALEWSKI. It is to that very opinion of the delegates of the nation that I invite the honorable M. Jules Favre to submit, in abstaining from a discussion which the Chamber, for reasons which every one understands and appreciates, decided yesterday should not be continued. [Hear! Hear!]

M. HACNTJENS. The words just spoken by the Hon. M. Jules Favre prove how right we were in that.

M. JULES FAVRE. I discuss nothing—I merely state; and unless, I say it again, it be desired that our ears should not have heard what was said, one must admit, if we have French hearts, our being impressed. [Disclaimers.]

General DAUTHERULLE. We have French hearts, not Juarist hearts.

M. GLAIS BIZOIN. We keep them for our own, and not for Maximilian.

M. JULES FAVRE. I admire you, gentlemen, but do not envy your state of mind. [Noise.] As for me, I prefer making use of my own, and I will merely say to you, in finishing, that we would be failing in duty if we did not look upon that question in the relation in which it necessarily stands to all others.

SOME MEMBERS. That is evident.

M. JULES FAVRE. If we supposed ourselves in the midst of peace; if we resembled that pilot who, seeing the storm at the horizon, goes to sleep contentedly, as though the waves were not threatening him—— [Ironical exclamations on some benches.]

Well, gentlemen, we have reasons to believe, and we were sufficiently warned yesterday, that dangers are possible, that great and supreme decisions may be asked of the nation. We must be prepared for any event, and for that we have need of all our strength; we have need to bring back among us those children of France who should never have left her. [Interruption.] We shall hail their return with enthusiasm, and I hope we shall find a great lesson in it, together with the manly courage we need to oppose follies which cost France a thousand millions. [Hear, hear, and applause around the speaker; protests on a great number of benches.]

The President WALEWSKI. The Baron David has the floor.

Baron JEROME DAVID. Gentlemen, I wish to say at once that I do not leave Mexico before the injunctions of any foreign power; to present things in that fashion is to misunderstand the true state of facts, and to lend gratuitously to France an attitude unworthy of her. We represent a France. The majority represents a France, which does not yield to commands from abroad. [Good, good.]

How can we help regretting this method of discussion, which, after promising the greatest delicacy of treatment in view of the present circumstances, sets forth in the harshest and bitterest form all that can be imagined in regard to the Mexican expedition? [Very well.]

Gentlemen, I know that in taking the floor to defend the conduct of the government in what concerns the affairs of Mexico, I shall not obtain the assent of all, but I know, also, that you hear and examine attentively conscientious opinions. I ask your attention. I have never brought to the defence of a cause more of study, more of reflection, more of profound conviction.

The American expedition has just been again the object of severe animadversion. The aid we are lending to the consolidation of a regular government serves as a text for the liveliest

criticisms. The return of our troops has been too long deferred; it has been badly arranged; promises attributed to the government are called in question; finally, we are shown the possibility of a frightful contest, by insinuations that the United States, as soon as they have repaired the damages of a gigantic struggle, will interpret the application of the Monroe doctrine in opposition to our views and our acts.

Gentlemen, I do not believe in these perilous chances; but even admitting them, do they exclude our right? Since when, among nations careful of their dignity, does danger place itself above duty?

Is it at the moment when our troops are redoubling their efforts to obtain before their departure a lasting pacification, to labor to spread discouragement and weakness, when concord, confidence, and strength are the principal elements of success—the best means of preventing dangerous complications?

Why not look this Mexican question in the face? Have we sought these dangerous complications? Is it a spirit of adventure that has conducted us to Mexico? Is it the quest of supremacy or an abusive protectorate over the Latin race? If it is true that our foreign relations are inspired by natural sympathies for peoples whose origin, tendencies, and religious faith establish common bonds with us, these sympathies exert no more than their proper influence over the attitude of our diplomacy.

The imperial government consults above all the interests of France, to which it subordinates the measure of its intervention in questions which do dot touch us directly; and have you not just now had a proof of this? Has not the government, in presence of the abuses of power of which Europe has been the theatre of late years, remained, if not inactive, at least disarmed? But when solemn conventions are disregarded, when our claims are treated with contempt, when the life and property of our fellow-citizens are compromised—when all these wrongs assume proportions vast enough to justify a resort to arms, our government does not accept derisive reparations; it knows that one can surmount the most difficult conjunctures with right and justice before him, and France behind him; one of the advantages of the empire over the governments which have preceded it is that it comprehends that there are certain questions which must be examined and grappled with under penalty of decay. The Mexican question is one of these.

Men are too apt to forget the origin of the Mexican expedition when they reproach the government with it as a fault. It must not be forgotten that it is given to no policy to conduct events; God leads them; good policy studies them, seeks to comprehend their bearing, the advantages and disadvantages which will result therefrom for the common weal, and, in a word, the place which they will hold for the honor of the country in the judgment of history and of posterity.

Do not events sometimes surpass the wisest perceptions? Do they not require from a nation sacrifices, resignation, consistency under trials? Consult the pages of humanity; consult the recent example of the persistence, crowned with success, of the northern States of the American Union, and you will see that the fame of nations depends upon their energy, depends upon their will, and not upon the weakness and the apprehensions of counsellors, more apt to mislead governments than to conduct them. Let us be penetrated, gentlemen, with these thoughts, so as to place the Mexican question upon its true ground.

Those who oppose the expedition, who wish to use it against the government, say, Let us not occupy ourselves with the past; let us only interrogate the present.

Why not examine the origin of the expedition? Why not ask if the expedition was just, necessary, commanded by the true interest of France?

For forty years European commerce met with obstacles of every kind in the old Spanish colonies. For more than forty years the flags were powerless to protect their citizens—harassed, taxed, forcibly enrolled, and sometimes victims of assassination. Nevertheless, we practiced the temporising policy still in use with the republics of Central America and South America. This policy consists in employing diplomatic means; toiling in the sterile tract of chancelleries and official despatches, trusting to the cleverness of consular agents, that, thanks to their knowledge of men and local matters, they might prevent wrongs from degenerating into public outrages. We preferred this limping policy to rigorous measures, not wishing to throw ourselves singly into a struggle the reasons for which weighed upon different European powers.

Was it not sound policy, when Spain decided to require by force the redressing of her grievances, when she had prepared her means of repression, when she was putting them in motion to adhere to her views—at the same time with England—by the treaty of the 31st October, 1861?

These facts being incontestable, is it not unjust to say that the Mexican expedition was inconsiderately undertaken? Where will you find an inconsiderate act? In our understanding with two great powers? We did not give birth to the expedition. We accepted it in common with Spain and England. We accepted it under conditions useful and necessary to the public good—the constant end of the plans of the Emperor and the government.

Observe the tactics of the opposition. See how the men of the opposition exclude from the debate the real basis, which would embarrass them, to substitute with an infinite art an erroneous base, from which they deduce the whole force of an argument, sustained often by a remarkable talent. It is thus that you hear them admitting *a priori*, and seeking to per-

suade the country, that the initiative and the responsibility of the Mexican expedition fall upon the French government. I have taken care to place the question properly. We went to Mexico with Spain and England, who shared with us the responsibility and the charge of the expedition. Our allies retired; we remained.

Two objections present themselves: Why did you not retire at the same time with your allies? If you thought you ought to persevere, why did you not have recourse to means less onerous than a campaign in the interior of Mexico? Here are the two objections, with all their clearness and all their truth.

We were right in not treating with Mr. Juarez; we had not placed our armies in the field to stipulate for illusory guarantees with a government which the day after our departure would have cheated us once more. [True! True!]

When a great power draws the sword; when it displays its banners for the fight; when it sends its armies beyond the seas, it should be only after having exhausted all pacific means, and it is ridiculous, not to say shameful, to end after such a display of force by ratifying at last conditions which one had refused before putting himself in motion.

It pleased our allies to traverse several thousand leagues to declare satisfactory the tortuous promises of a cunning and obstinate half-breed, which they called bad and untrustworthy before leaving Europe. They were free to correct themselves in this way.

The tradition of France is very different; [Very well!] and even if I were alone in my opinion [No, no!] I would think she has done well to persevere in the Mexican expedition; [Yes!] this expedition has cost us millions; [Yes!] the blood of our brave soldiers and sailors has been shed in those distant regions; [Yes!] the whole weight of a task so difficult—rendered more difficult by distance and an unwholesome climate—has fallen upon us [Well!] I think that even at this price, we did well not to retreat like Spain and England. History will do us justice in not having left Mexico; in not having given up when our allies did.

Besides, let no one deceive himself in this: if we had not persevered in the Mexican expedition at the time of the defection of our allies, a real disrespect and contempt would have come upon European influence in America; and this contempt would have found its expression, perhaps, to-day in disastrous wars. On the contrary, our influence has increased in the New World. While, since 1860, difficulties are arising on every hand between Spain and her former colonies, the President of the republic of Ecuador, one of the three republics issued from the late Colombian, has officially solicited the protectorate of France.

Gentlemen, judge of our conduct in Mexico, without reducing it to vulgar proportions; without fitting it to the narrow views of those schoolmasters who talk of glory without risking its dangers, [applause;] who talk of national preponderance, and pretend to ignore the fact that it is acquired painfully by severe toil. Think of the prestige of our country, of her name, more respected and honored in every quarter of the globe.

Gentlemen, soon will the piercing of the isthmus of Suez, accomplished by the audacity of modern genius——

M. ACHILLI JUBINAL. Of French genius!

M. JEROME DAVID——transform Asia, that ancient cradle of human knowledge; and in presence of the prodigious advantages due to our initiative and our efforts, the minds of men will turn with a true passion to sea communications; all eyes will be fixed upon the territories of Mexico and Central America, destined, they also, to bear witness of the triumph of science over the ancient works of nature. When a passage shall be cut between the two oceans, our influence in Mexico—influence now acquired by our firmness—will place us in the centre of the civilizing current which shall open for the field of human activity the islands of the great ocean, Australia and China.

When the most important work was done—when we had penetrated to Mexico, it was necessary not to compromise the future by too much precipitation. Ah! let us be sure the judgments of history would have been severe, not only for them who, without considering the results obtained by our sacrifices, demanded a cowardly abandonment of Mexico, but also for the government, if it had shown itself weak enough to yield to the first demands of retreat addressed to it.

Admit that there is some merit and some greatness in enforcing a respect for international laws in magnificent countries, admirably situated; without this respect for international laws they are lost for agriculture, for industry, and for a just division of the productive forces of the world.

As in Africa the Roman roads indicate that the kingly people spread the waves of its genius and its power as far as the confines of the habitable globe, so, should we not be proud to leave, as traces of our occupation, works of public utility, the construction of railroads, the opening of routes binding together different points of territory, the application of the rules and laws which distinguish civilized peoples? Will we not be proud to have the pencil of history record—we who are also a great nation—that in spite of defections and obstacles, we alone, in the general interest of the future and of its progress, placed the imprint of our eagles on the soil of the Montezumas?

I do not give the first rank to these general considerations; they take their place beside the decisive causes which led us to Mexico at the same time with Spain and England.

I come to the second objection: "Why did you not have recourse to maritime measures?"

A fleet presents itself to obtain reparation; a blockade of the coast is declared; the sea-coast cities are threatened or bombarded; what result will be obtained?

Commerce is almost entirely in the hands of French, English, Spanish, and American merchants. To bombard the seaboard towns, blockade the coasts, is to chastise those you wish to protect and defend. See what is happening; Chili in conflict with Spain; foreign residents in emotion: consuls interposing to prevent the reprisals of the Spanish squadron; when these reprisals take place, when Valparaiso is bombarded, a cry of anguish resounds through Europe.

Blockades and shore expeditions have never obtained anything. Were they not tried in 1838, at the time of the capture of San Juan d'Ulloa and the descent on Vera Cruz? Did we not try them in concert with England for fifteen years in La Plata without being able to bring to terms Rosas, the dictator of Buenos Ayres?

I have shown that the government had accepted the idea of the Mexican expedition, presenting itself under favorable circumstances, without having taken the initiative in the matter.

I have sustained that the retreat of our allies did not have to involve ours.

I have recalled the insufficiency of maritime measures.

It remains for me to examine the end which we are pursuing in Mexico—the results obtained; it remains for me to examine in what condition our departure will leave the regions of the New World over which our eagles have soared.

It is said, (and I am astonished at it,) But what have you been doing in Mexico? What have you obtained from Mexico?

Nations, like individuals, seek in a reparation by arms, not a material advantage, but a public evidence, purely moral. A man exposes himself because he must; he exposes himself without calculating the danger, to escape loss of character and contempt. We have already attained in Mexico completely the principal end of every expedition which pursues a reparation by arms. We have broken all obstacles and all resistance. A few thousand French soldiers have traversed victoriously everywhere and in every way territories whose area surpasses three times that of France. They have made their way through regions deprived of communications, supplying by their self-denial and boldness the scanty means of execution. Except in rare cases, where it has been necessary to inflict exemplary punishments, they have been distinguished by their discipline and their respect for persons and property. They have completely changed the situation of Mexico. They have greatly reduced brigandage; for indeed to hear certain orators discuss the Mexican question, it would seem they were discussing a question of which the phrases more suited a European country. Nothing could be more false than that idea: the social state of Mexico resembles in nothing the social state of a European nation.

So, for instance, in Mexico crime was an industry; a man was killed for a few dollars; entire villages lived only by theft and rapine; the bandits sold their services to the partisan chief who bid highest, and by this commerce of brigandage invested themselves with a political claim. Before our arrival not a week passed without the diligence passing from Vera Cruz to Mexico being seized; and when it was not seized in the course of a week, it was an event so unusual that it was the talk of the country.

These are facts.

Let us not therefore compare Mexico with a European country. [True!]

The principal end of our expedition did not exclude aims which had also their importance. We were not contented with military glory; we were not satisfied with meeting at the centre of their country those to whom belonged the responsibility of our grievances, and with depriving them of a power which they used only to violate the rights of nations. We tried to restore confidence and energy to that large portion of the Creoles who aspire to the stability and the repose necessary to develop the living forces of the country. The Creole population is enlightened; it is composed of scholars, writers, and lawyers of merit; this population views with resignation those troubles against which it has the habit of guarding, not having the necessary energy to combat them: it manages with adroitness and skill to steer among the different factions, and with a little money and much subservience it comes out of a series of troubles almost safe and sound. The great majority of the Creoles despaired of the possibility of a return to public order, so long as a Mexican was in power. They understood that in this country, which within half a century had seen thirty revolutions, and more than two hundred insurrections, more or less serious, any individual sufficiently notable to aspire to power could only arrive there under a weight of prior engagements incompatible with an era of conciliation and peace; therefore, they turned their eyes towards a European prince.

The Archduke Maximilian was connected by his genealogy with the ancient possessors of Mexico. He had given proofs of a liberal spirit. It was to be hoped that he could restore order without suppressing liberty.

The French government has been much blamed for lending itself to the accession of the Archduke Maximilian. It has been said that French blood has been shed simply for an Austrian Archduke. Gentlemen, such observations would not deserve to be noticed did they not proceed from sources enjoying a certain authority.

Yet, what more simple than our attitude during the negotiations with the Archduke Maximilian? What more opportune than his accession? And how could any one blame the

government for not having made public, at the risk of causing them to fail, negotiations which, although conducted by Mexicans, were going in a current useful to our interests!

We encouraged the Archduke Maximilian, convinced that it lay with an able direction of affairs to raise Mexico from the state of anarchy and disorder where we found her: but, while encouraging him, we did not bind ourselves indissolubly to his fortunes; we were bound only in the measure of French interests.

We have remained loyally, honorably masters of our movements, and if that were not so, the emperor Maximilian would have hastened to proclaim it, and they would not have failed to repeat it to you in this discussion; we have remained masters of our movements; we have made them wholly subservient to French interests, and when we saw events whose progress belongs neither to governments nor peoples, about to endanger our interests, and cause our sacrifices to be out of proportion with our views, and the role to which we were assigned, we recalled our troops, and we acted wisely.

What do you reproach us with, then? Is it perhaps with having arrested ourselves in time?

The emperor Maximilian is at this very time favorably situated for maintaining the power with which he has been invested by the Mexicans; it is for him to turn it to advantage. These difficulties exist; they proceed from the deep-rooted anarchy which has corrupted and debased the Mexican population; he disposes of a regular army to check the evil; European contingents are enrolled under his flag; numbers of Creoles are grouped around his throne; a good government will assure to him the unconditional co-operation of the entire Indian population; he can raise to the dignity of citizens those millions of Indians whose systematic exclusion from everything constituting the government, the administration, public life, prevents us from being able to recognize in Mexico the distinguishing characteristics which compose homogeneous nations. Without these distinctive traits, patriotism is a vain word, and not a respectable and imposing idea.

Ah! if there had been in Mexico the cohesion which springs from patriotism, if there had not been on the one side a detestable oligarchy, whose members, liberal and clerical, were engaged in incessant conflict, and on the other side a whole population oppressed and reduced to servitude, our soldiers would not have been able, without being crushed under the number of their adversaries, to act in very small columns for the purpose of operating successfully on points the most distant from headquarters. Several hundred French soldiers penetrated to considerable distance—to two or three hundred leagues from the capital; they everywhere met sympathetic or indifferent populations, taking part in a struggle which did not appear to concern them.

The facts are there with their eloquence; they prove that we have overturned in Mexico an odious tyranny without impairing a pure patriotism.

Soldiers of France, you have been liberators and not oppressors. No sorrow will obscure your glory; preserve tranquillity of soul and of conscience: equity and right are with you.

NUMEROUS VOICES. Very good! Very good.

M. LE BARON JEROME DAVID. Ought we to prolong our stay in Mexico until every difficulty should have disappeared; until a complete pacification causes the regular working of the several branches of the government?

I would answer, yes. If it were given us to define, to fix a precise period for the accomplishment of a task which depends upon a mass of different elements--the ability of the prince, the sagacity of those in power, the successive changes of public opinion, the sacrifices of adherents, finally, in a certain measure, events in the other portions of America—I answer no, because all these elements of success give place to the unforeseen, and it would be injurious to give up to unforeseen contingencies the sacrifices demanded of France. We were to leave Mexico; a date was to be fixed for our departure. You were told just now—and that moved me for an instant—"Take care; you are going to leave Mexico, and what will become of your countrymen and the native partisans of intervention? To what dangers will they not be exposed? What will happen? You will be lacking to your promises, and thousands of Mexicans and Frenchmen will reproach you with their ruin, will reproach you with the disasters which will overwhelm them."

In the first place it is going too fast to imagine the immediate fall of the emperor Maximilian.

Then it would be well, before casting that reproach, to ask, what would have happened if we had given up when Spain and England did. Do you imagine that our countrymen and those Mexicans who had invoked the intervention would have found themselves in a better situation than to-day? You would deceive yourselves greatly.

The affairs of Mexico were difficult and embarrassing. We have encountered difficulties of all sorts; we have tried in every way to overcome them; in every case we have the high boast of having sensibly diminished them; impartial history will recognise it.

In eighteen months we will leave Mexico; during these eighteen months our countrymen and those natives who have not confidence can retire; they will suffer losses, perhaps, but these losses will be much less than they would have been if we had left Mexico at the same time with Spain and England.

Whatever may happen after having obtained full satisfaction through arms, we will have done for Mexico all it was possible to do; all that could be reconciled with the interests and honor of France. (Lively assent.)

For the rest, of two things, one: Either after the departure of our troops the emperor Maximilian will maintain himself, and in that case we will at once have accomplished a considerable work for Mexico, not only to the advantage of French influence, but also in the general influence of the civilization of the world; or the emperor Maximilian will yield to the difficulties which he cannot overcome; he will spend ostentatiously the resources needed for organization; he will pass successively from excessive rigors to measures of exaggerated clemency; he will waver between all parties, without resting upon any, offending in turn those who called for him, and those who might adopt him, in the mad folly—alas! too habitual to governments—of trying to conciliate implacable enemies; in this case we will none the less have proved that the anger of France strikes everywhere those who incur it.

If the emperor Maximilian commits blunders which render it impossible for him to maintain himself, it is then important that it be the Mexicans themselves who regulate their own destinies.

As long as the affairs of Mexico are arranged, after our departure, without foreign intervention, I say that the attitude of France is a most enviable one, and that we have courageously attempted a great act of civilization. As to the costs of the war and French interests in case of the fall of the emperor Maximilian, they will remain at the charge of succeeding governments in Mexico: I can scarcely see how we should diminish our financial losses in engaging ourselves further to protect the Mexican credit.

Whatever may happen, we have taught the Mexican populations to understand notions of order, of common law, of general security, of civil equality; these notions may be for a moment obscured by disorders, but gleams of light will arise from them to regenerate Mexico. Let us not doubt Providence; let us not accord to evil alone the power of duration and expansion. We have thrown fruitful seeds into Mexico; these seeds will bear their fruits, and we may be proud of the part which we have played in this. [Marks of adhesion and approbation.]

Reproaches have been addressed to the government on the subject of the Mexican loan. I have frequently heard reproaches in and out of this chamber.

This loan was openly facilitated by the French government. What is there surprising in that? How! We had our armies in Mexico; we had seconded, as far as we could, the establishment of a monarchy, conceived, it is true, by Mexicans. We had furnished to this cause what is most precious, the banner and the soldiers of France, and we were not to aid the placing of the loan, which is only a small feature of the manifestation of our sympathies.

Were these loans of 1864 and 1865 issued mysteriously? Was it an unknown situation, founded on ignorance of facts, working the good faith of subscribers? Had not the Mexican question passed through attacks, let me say, angry and exaggerated? Had it not been presented under the most sinister aspects? Had not discussion and contradiction been exercised on the chances, bad and good, of the new empire; on the natural riches of the Mexican soil; on the political state of populations; on the development or the sterility of resources? Had not all these investigations, all these researches, all these criticisms been laid before the public ever since 1861? The government believed that Mexico would rise up again, and it does not yet despair of it. Do not, therefore, for the sake of your argument, represent the subscriber or the holder of the Mexican loan an incapable person, led into error. Do not ask that the government should be the guardian, the only responsible guide of citizens in the least acts. We revolt every day against this idea, which I declare inacceptable. There were exceptional advantages for the subscriber. Does not every one know that the rate of interest paid by the borrower indicates his chances of solvency? [Movements.]

I do not admit that the subscribers to the loan should be taxed with incapacity; they have acted with full knowledge of the matter. There had been public discussions; they knew what they were doing; it was a question of judgment, of impression, which every one could decide at his own will and pleasure.

SEVERAL MEMBERS. True! [Interruption and various noises.]

Baron JEROME DAVID. If it is true that public opinion in France desires the return of our troops; if it is true that this return is commanded by our well-understood interests, we should have serious guarantees of the non-intervention of foreign powers. I do not believe in the intervention of the United States in the affairs of Mexico. By what right, and for what purpose would they intervene? The population of Mexico is composed of Creoles, half-breeds, and Indians. There is no kind of analogy of relation between the Spanish American race and the anglo-American. Manners, temperament, language, religious faith, all differ; all is opposition and contrast. The question of race is, therefore, out of the question.

There is talk of the Monroe doctrine. Since when has a doctrine enunciated in a message addressed to the nation taken the force of law for foreign nations? We could understand that the United States should be moved by an aggressive neighborhood, or are threatening the internal institutions of the Union; but because one nation is ruled by the republican form, it is not just to pretend that monarchical institutions shall be excluded from the New World, even when they are acclimated among a people who, by their importance, the relative weakness of their resources, the extent of their territory, the distance of their capital, could not in the least influence the political mechanism of the nation in

question. To sustain such a proposition is not possible in fair and legal discussion, especially when—thanks to the solidity of its institutions—a nation has traversed a terrible crisis, and placed on foot instantly the most considerable armies of which modern history makes mention. There can be no danger to the United States from the Mexican monarchy. It would be years before Mexico could set on foot a single army corps comparable to the contingents raised by the United States during the recent war between the federals and the confederates. Beside the negative right of the United States stands the positive right, recognized by every sovereign nation to make war and to assure its results. In virtue of this right we have seconded the accession of the emperor Maximilian. Now I repeat, if, in consequence of wrong directions, the emperor Maximilian should fall by the will of the Mexicans, France has not to interfere; she declares that she adopts the doctrine of non-intervention. We have sympathies, preferences; the United States are perfectly free to have their impressions of this kind; but it will neither be their business nor ours to meddle in the events which take place in Mexico. If it is difficult to perceive the right of the United States to intervene in Mexico, it is impossible to discover their interest in plunging into so grave an adventure. If, in default of right, there were a true interest for this great nation, for this adventurous, energetic nation, it would be capable of invoking a right, more or less genuine, to subserve its interests. Does there exist a powerful interest which could lead the United States to expose themselves, not to war with France, but to a rupture? Would it be to seek an aggrandizement of territory? The United States are already somewhat embarrassed with what they already possess, now that it is necessary to reconstruct solidly the Union. Would it be their interest to bring Mexico back to its former anarchy? Is it not to the advantage of the commerce of the northern States to find itself in relation with a country at peace, well governed, disposing of resources well worked and managed? Would not the prosperity of Mexico be an element of wealth to the United States? The different Presidents of the United States have thought so. This thought reveals itself in their messages—they deplore the disorders which have desolated Mexico. President Buchanan said, in 1858: "The successive governments of Mexico have not been able to afford effective protection either to Mexican citizens or foreign residents, against violence and lawlessness." Mr. Buchahan said, in 1859: "Without help, Mexico will not be able to resume her position among nations, nor enter into any course fruitful of good results." After such declarations, the United States could with ill grace deliberately take sides with the faction which we went to Mexico to subdue. When I regard the proofs of good sense and exalted wisdom given by the men of the United States, I say that such a conflict is impossible, and that it will not take place. The United States will learn from the dissolution which has threatened them, and which they have so painfully surmounted, the reserve necessary to renounce the temptations to domination over the New World, which are in violation of justice and reason.

The discoveries of science have brought nearer different continents; relations are multiplied; contact becomes incessant; we are nearing the period when peoples will be called either to unite in the interest of civilization to demand for the works of their genius, for the exchange of their products, for the adoption of their improvements, a new impulse in the path of social amelioration, or to give themselves up to conflict and jealousy in the interest of error and despotism. The United States have better work to do than to allow themselves to be led by the eccentric and quarrelsome instincts of a turbulent minority; they have better work to do than to identify themselves with bad causes which do not concern them—that is, to accept the co-operation of Europe to bring back into the intellectual and economic movement of our times the numerous populations scattered through the immense spaces which extend from the Rio Grande to Cape Horn. We do not go so far as to ask the United States to understand as we do their providential mission; we do not go so far as to demand of them the recognition of the order of things established in Mexico. We desire only that they shall know that we have not carried our banner to the soil of Mexico, where so many of ours have fallen gloriously, to allow that, under pretext of difference of appreciation, and in contempt of the principle of non-intervention, third parties should come immediately after our departure to overturn an edifice cemented with the blood of our soldiers. [Very good!] We have nothing but sympathetic sentiments for the United States. We have not forgotten that our fathers fought in the front rank of the heroes of American independence. We could only deplore a rupture with a friendly nation, whose liberation shines in history like the radiant dawn of the French revolution. Nevertheless, these precious souvenirs cannot prevent us from reminding Americans that France wishes to find among them a reciprocation of the courtesy, the consideration, and the esteem which she accords them. No; the United States will not interfere in the affairs of Mexico. Their statesmen may not at once depart from the strange forms of their official communications and of their harangues, which flatter the American temperament, which is fond of loud and bold declarations. In America, popularity is gained by all sorts of audacity. We will have no trouble in answering the rudeness of the diplomatic style of the United States by the polished, firm, and moderate language which suits a nation like France. [Applause.]

The future of Mexico will rest, then, in the hands of the Mexicans, and no collision will arise from our generous enterprise. We have borne to Mexico the genius of civilization; it may suffer trials, from which it will certainly arise victorious. We may, therefore, gentle-

men, regard the future with confidence, and be convinced that, in seconding the policy of the government, we have done an act truly good and useful for the prestige and glory of our country. In sustaining the policy of the government we remain the representatives of that proud and generous France which prefers resolution and even boldness to the reproach of indecision and of fear. Let us be independent of appeals made to selfish and vulgar sentiments, and sustain a policy which has only in view the greatness and dignity of the country. [Numerous marks of approbation.]

The President WALEWSKI. No one asking the floor, the chamber will pass to the discussion of the articles.

M. ERNEST PICARD. Mr. President, we were waiting for the explanations of the government. I can understand that they are very difficult for it; but they would be very interesting for the country.

The President WALEWSKI. The government is the best judge of what is to be done. [Yes, yes; the vote.]

M. CHAIX D'EST-ANG, vice-president of council of state (rising.) The chamber understands perfectly.

NUMEROUS VOICES. It is useless; the vote, the vote.

The vice-president of the council of state resumes his seat.

The President WALEWSKI reads the first article of the law.

[Translation.]

MEXICO

The Minister for Foreign Affairs to the Minister of France in Mexico.

PARIS, *August* 14, 1865.

SIR: I have received your despatches to date of 10th July. What you write to me on the affair of our claims very particularly called my attention. You have thought with reason that the necessity of settling as promptly as possible the interests of our countrymen might induce us to deviate, in some measure, from our legitimate requirements.

I consider, therefore, that the settlement in gross—the adoption of which you have proposed to the government of the emperor Maximilian—would on the whole be advantageous to our countrymen and therefore acceptable to us. I invite you, in consequence, to press it in the most serious manner that the arrangements you may have prepared may receive without delay the adhesion of the Mexican government.

Receive, &c., &c.

DROUYN DE LHUYS.

The Minister of France in Mexico to the Minister for Foreign Affairs.

MEXICO, *September* 28, 1865.

Mr. MINISTER: I have received the despatch you have done me the honor to address to me, dated 14th August last. Your excellency having pleased to approve the mode of settlement in gross which I had proposed to the adoption of the government of the emperor Maximilian, for the purpose of arriving at a prompt conclusion of the affair of the claims of France, I resumed with renewed activity this important negotiation, which I had not meantime lost sight of for a single moment. I have to-day the satisfaction of being able to announce to you that my efforts have not been altogether fruitless, and that I signed yesterday, the 27th, a convention which will give, if I do not deceive myself, satisfaction to all the interests in the case.

Please accept, &c.,

DANO.

The modifications of form to be given to the convention of the 27th September, 1865, having retarded the ratifications, we limit ourselves here to giving a summary of the principal provisions of this diplomatic act.

The total amount of indemnities due to Frenchmen for damages caused directly to their properties or persons by Mexican governments or their agents, is fixed at the sum of forty millions of francs. This sum shall be paid in bonds of the Mexican annuity (rentes) at par, and the French government will carry into effect such repartition among its subjects as it shall deem proper.

The French government is already the depositary, under the head of "for account," of a sum of twelve millions of francs in bonds, of the first loan contracted in Paris, at 63 per cent., which should represent at par—that is to say, six per cent. each 100 francs—a sum of 16,440,000 francs.

The 23,560,000 francs remaining due will be delivered in bonds of the same nature at par by the Mexican commission of finance instituted at Paris. After having effected the entire delivery of the sum of 40,000,000 francs, the Mexican government shall be considered as released from any responsibility to the French in relation to reclamations they have put in to this date, and the French government engages not to interfere in favor of those which may be made for the time past.

In consequence of putting in execution of this convention, article 12 of the convention concluded at Miramar, the 10th of April, 1864, is abrogated in whatever has relation to French reclamations.

The Minister for Foreign Affairs to the Minister of France in Mexico.

PARIS, *November* 14, 1865.

SIR: I have placed before the council of ministers, to be the subject of special consideration, the project of settlement of French claims which you sent me with your despatch of 28th September. Two questions have been successively discussed, that of the amount of our indemnity, and that of the mode of payment which it allows.

When the government of the Emperor decided upon settling in gross the claims of its subjects, Marshal Bazaine was requested to ask the Mexican government to remit to us for this object a sum of fifty millions of francs in bonds of the second Mexican loan, which will be added to the twelve millions of bonds of the loan of 1864, already placed in our hands, in execution of the convention of Miramar. What we ask, then, is about the sum which the French commissioners, instructed by you at a later date to study the question, indicated to you as necessary equitably to indemnify our countrymen, say 12,754,366 piastres. The convention you signed with Mr. Cesar fixes forty millions of francs only as payable in bonds of the Mexican rentes at par, and with this will be compounded the twelve millions already in our hands as the whole amount of indemnities allowed to our subjects. There is, therefore, a wide difference between the amount you have accepted and what we deem we have the right to claim; but after having carefully weighed the motives which induced you to make it the basis of the arrangement to be brought about, the government of the Emperor has approved your resolution. His majesty the emperor Maximilian having shown himself ready on the one part to adopt this amount of forty millions of francs, and your personal investigations permitting us to think on the other part that it would in strictness suffice to indemnify our countrymen, it has seemed more in accordance with their true interest to hasten a solution by making deduction to a certain extent from our legitimate demands, than still to delay, in detaining them, the settlements they have so long waited for.

In accepting the amount of indemnity fixed upon in your project of convention, we cannot, however, acquiesce in the mode of payment which is therein stipulated. It in fact presents a difficulty to the Mexican government how to disencumber itself according to the mode prescribed by the project of convention. By the terms thereof, the 23,560,000 francs which remain due to us at par, with the 12,000,000 of francs already in our hands, and representing at par 16,440,000 francs, our indemnity of 40,000,000 francs, these 23,560,000 francs should be paid to us in bonds of the first loan at par, by the Mexican commission of finance instituted at Paris. But the following circumstances render the literal execution of this clause impracticable at this day: Whilst, in fact, the French treasury, using the privilege accorded at the time of the second Mexican loan, was converting the bonds of the first loan remitted in virtue of the convention of Miramar, either for its own account or for the French claiming indemnities, into obligations analogous to those emitted 1865, and then negotiated them, the commission of finances of Mexico was availing of the same opportunity to put also on its side, with the balance of the bonds of the loan of 1864 which remained disposable. At this time, then, the commission no longer has in its possession any bonds of the first loan which it can employ in the manner intended by the project of convention. The Mexican government should at once take this into account, for it has been officially advised of the operation effected. It must, therefore, substitute a new combination for that which the convention contains, as the measure of conversion of bonds of the first loan, determined in the beginning by the commissioners of the Mexican government, is optional. It is more than probable that the 500,000 bonds of the second series will not be delivered in full, considering that a certain number of holders of six per cent. bonds of 1864 will not avail of the option which is given them. The minister of finance estimates that there will remain in consequence without settled employment a number of new bonds, more than sufficient to meet the engagements which the Mexican government may contract with us. It is, consequently, in bonds of this second series, and no longer, as the convention prescribes, in bonds of the first loan, that there will be a way of remitting to us 23,560,000 francs, specified in Article 4, and I request you to ask, in this state of things, the despatch to the commission of Mexican finance at Paris of the orders necessary that it may carry out for us, so far as to meet the above sum, the remainder of the new bonds, the existence of which is anticipated.

Accept, &c.

DROUYN DE LHUYS.

The Minister of France in Mexico to the Minister for Foreign Affairs.

MEXICO, *December* 28, 1865.

Mr. MINISTER: The despatch which your excellency did me the honor to write to me the 14th of November last, reached me on the 13th instant. The same day I began active measures for the purpose of obtaining that the convention which I had signed for the settlement of our claims should be modified in what concerns the bonds to be delivered to our countrymen.

I at first met with a brisk opposition. The emperor and Mr. Castillo maintained, which is true, that the remittance of obligations analogous to those of the second loan in place of bonds of the first, would become more onerous on the Mexican treasury, the conversion and the establishment of premiums having occasioned considerable outlay. However, I showed myself so pressing that I carried the point next day. I have had it understood that it was requisite to place the Emperor Napoleon and his government in position to declare to the French Chambers that the affair of the claims is decidedly settled. That there might be no doubt about it, and that the concession I asked for should have a thorough official character, I passed on this subject an exchange of notes with Mr. Castillo.

The clause in virtue of which a sum of 23,560,000 francs in bonds of the first loan at par was to be paid over to us, having become impracticable in consequence of the conversion, it rests established that this sum shall be remitted to us in obligations of the second series remaining without definite employment.

The minister for foreign affairs has given instructions in this sense to the Mexican minister at Paris, and the Mexican commission will have to remit the obligations as soon as the convention shall be ratified.

I shall wait till your excellency lets me know what change must be made in the draft of the convention.

Accept, &c., &c.

DANO.

The Minister of France in Mexico to the Minister for Foreign Affairs.

MEXICO, *January* 18, 1866.

Mr. MINISTER: Your excellency knows already that I have obtained that the Mexican government should pay us in obligations of the second series of the second loan. The legation of Mexico at Paris has received the same notification, but the under secretary of state for finance has not yet transmitted the order to deliver to us the bonds, which, according to him, should not be remitted until after the official ratification of the convention. I have combatted this pretension, which would occasion fresh delays. The two governments having agreed upon the modifications to be inserted in it, the convention should be considered as ratified morally. Mr. Cesar being absent at this time, the emperor sends to me from Chapultepec a telegram, by which he advises me that Mr. Langlai has it in his power to give the orders necessary to the Mexican commission of finance.

I caused this telegram to be taken to the counsellor of state on the mission, who as I supposed does not think himself authorized to order anything because he has not any official character. However, I beg him to write to Mr. Fould or to Mr. Germing, annexing to his letter the telegram in which the emperor Maximilian expresses his intentions. To-morrow I will endeavor beside to send by telegraph, through Mr. Castillo, a formal order to remit the bonds.

Accept, &c.

DANO.

The Minister of France in Mexico to the Minister for Foreign Affairs.

MEXICO, *February* 9, 1866.

Mr. MINISTER: Mr. Castillo informs me that instructions are to be sent to the commissioner of finance of Mexico at Paris to place in your hands the 47,120 bonds of the second series, representing the 23,560,000 francs which pay off the indemnities. The minister for foreign affairs asks me at the same time that the convention of September 17 be ratified by the Emperor of the French, to be afterwards endued with the like formality by the Emperor Maximilian, when the proper modifications have been added to the draft of some of the articles.

Accept, &c., &c.

DANO.

The Minister for Foreign Affairs to the Minister of France in Mexico.

PARIS, *January* 14, 1866.

The situation in which we are now placed in Mexico must not be prolonged, and circumstances require us to take, in this respect, a definitive resolution, which the Emperor has ordered me to communicate to you.

Our expedition had only for object primitively to follow out the revindication of our credits and indemnities due to our subjects. If at any time we have deemed it of advantage to give our aid to the efforts of a nation which aspired to the recovery of order and well-being under a regular government; if our legitimate interests counselled us to second the prince who consecrated himself to this generous task, our co-operation was to be confined within precise limits, which it was the object of the convention of Miramar to determine. The reciprocal arrangements indicated in that act fixed the measure and conditions upon which it was permitted to us to allow the forces of France to assist in the consolidation of a friendly government. It would be superfluous to dwell on the reasons which place the court of Mexico, notwithstanding the integrity of its purposes, in admitted impossibility henceforth to fulfil these obligations. On the one side every appeal to credit would be without fruit; on the other we cannot, outside of stipulations agreed upon, take upon ourselves exclusive charge of the Mexican government, provide by our army for its defence, and from our finances for the service of its administration. The advances which we have several times consented to must not be repeated, and the Emperor will not ask fresh sacrifices from France.

Our occupation must therefore come to an end, and we should prepare for it without delay. The Emperor charges you, sir, to fix this in concert with our august ally, after a frank discussion, in which Marshal Bazaine is naturally called to take part, shall have determined the means for guaranteeing, as far as possible, the interests of the Mexican government, the security of our credits, and the claims of our countrymen. The desire of his Majesty is that the evacuation should begin toward the coming autumn.

You will please, sir, to read this despatch to his excellency the minister for foreign affairs, and leave him a copy. I charge Baron Saillard to add thereto, verbally, all necessary explanations, and to report to me at an early day the answer, through which you will inform me of the definitive arrangements which will have been concluded.

Accept, &c., &c.

DROUYN DE LHUYS.

The Minister for Foreign Affairs to the Minister of France in Mexico.

PARIS, *January* 15, 1866.

I think it a duty to enter here into some developments for your complete information upon the subject to which my despatch dated yesterday relates.

The settlement of our claim, such as results from the convention which you signed in Mexico the 27th September, 1865, and which has received, in its essential provisions, the approval of his Majesty, assures to our countrymen an acceptable reparation for the damages they have undergone. This convention will, we doubt not, be loyally executed. Thus will be attained, in what most nearly affects us, the purpose of our expedition, and satisfaction will be given for the grievance which constrained us to take up arms.

I need not recall the considerations which led us not to lose sight of the object of our expedition, but to use it to profit by proffering to Mexico important chances of a needed regeneration. This thought, the legitimacy of which we affirm anew, the disinterestedness and high political bearing thereof, determined the support we have lent to the enterprise courageously undertaken by the emperor Maximilian. Resolved to second his efforts, it was our duty, at any rate, to regulate the conditions of our co-operation by the measure of the French interests, about which, before all, we should preoccupy ourselves. The Emperor, through wise forecast, wished to preserve his government from the allurements of a generous thought by defining the nature and in advance restricting the extent of assistance which it was permissible to us to grant. We had to stipulate at the same time for the equivalent resources which should be placed at our disposal, and for the quotient and the coming in of the sums intended to defray our expenditures. Such was the object of the convention of Miramar, which was to be the regulator of our rights and our reciprocal duties. It would have no interest now to recall the circumstances which prevent the Mexican government from henceforth fulfilling the obligations which that act imposes on it, and which threaten to cast upon us, without any of the equivalents promised, the burden of a new establishment. I will not dwell upon the remarks which abound, in this respect, in my correspondence with the legation of the Emperor, and it would seem superfluous to me now to seek out in idle discussion the causes of a situation which my duty only obliges me to state. In equity, the chances of the bilateral contracts which bound us to the Mexican government being no longer to be executed by it, we are ourselves released from the obligations we had contracted.

However, sir, we perhaps would not have thought of availing ourselves of the privilege

given us by the non-execution by the Mexican government of the engagements of the treaty of Miramar to declare ourselves exonerated from ours, if our resolution in that respect were not controlled by a consideration of fact which admits no discussion. The Mexican government is powerless to furnish to us those financial resources which are indispensable to keep up our military strength; and, besides, it even calls upon us to take charge of a large part of the expenses of its internal administration. These embarrassments are not new, and at various intervals we have attempted to meet them by facilitating loans, which have placed large sums at the disposal of Mexico. To-day any such recourse to credit is admitted to be impossible. What remains to us to do, in view of the established emptiness of the Mexican treasury and of demands which its poverty casts back on us? The provisions of our budget do not furnish us any means of supplying this deficit. If Mexico cannot pay the troops which we maintain in its territory, it will be impossible for us to keep them there. As for asking from our country new credits for this object, I have already explained this to you. As I have told you, public opinion has pronounced, with irrefutable authority, that the limit of sacrifices is reached. France will refuse to add anything to them, and the Emperor will not ask it. Far from me be the idea of misconstruing the efforts accomplished by the emperor Maximilian and by his government. The emperor has resolutely encountered the difficulties inherent to every new establishment, and which the peculiar condition in which Mexico was placed, perhaps, rendered still more arduous. His impulsion has been felt throughout; and if it has not been given to him to operate to the extent of his good intentions, and so rapidly as he conceived them, the transformation which the administration of the country calls for, incontestable results do not the less attest the activity of his initiative. In the provinces as in the capital, wherever the emperor, and the empress, so gallantly associated in the work of her august husband, have been able to make themselves personally known, their sympathetic reception by the people bears witness of their confidence—of the hopes with which they cling to the restoration of the empire. The emperor has himself proclaimed the close of the civil war, if, indeed, the resistance to his authority merited that name.

This situation, encouraging in many respects, leaves me to ask whether the well-understood interests of the emperor Maximilian are not here found to be in accord with the necessities to which we are bound to yield. Of all the reproaches heard from dissidents in the interior and adversaries abroad, the most dangerous to a government which is being established is certainly that of being sustained only by foreign force. Without question, the suffrages of Mexicans have met this imputation. It subsists, however, and it is well understood how advantageous it will be to the cause of the empire to take away this weapon from its adversaries.

At the moment when these various considerations oblige us to look to the close of our military occupation, the government of the Emperor, in its solicitude about the important work in which it took the initiative, and in its sympathy for the emperor Maximilian, was obliged to take into strict account the financial situation of Mexico. That situation is serious, but it is not desperate. With energy and courage, with firm and sustained will, the Mexican empire can triumph over the difficulties which lie in its way; but success can only be had at this price. This is the conviction we have extracted from the careful and scrupulous examination of its obligations and of its resources, and you must endeavor to impress this upon the mind of the emperor Maximilian and his government.

Accept, &c.

DROUYN DE LHUYS.

The Minister for Foreign Affairs to the Minister of France in Mexico.

PARIS, *February* 16, 1866.

SIR: At the time I am writing this despatch to you Baron de Sallard must have reached Mexico. The instructions from the government of the Emperor are, therefore, known to you. His Majesty has himself taken care, in his speech at the opening of the legislative session, to inform the great bodies of the state of these resolutions. To-day I have only to confirm the general directions contained in my despatch of 14th and 15th January, and to recommend to you to settle, without delay, with the Mexican government the arrangements intended to realize the views of the Emperor.

The wish of his Majesty is, as you know, that the evacuation should begin towards next autumn, and be accomplished as promptly as possible. You will have an understanding with Marshal de Bazaine to fix on the successive periods in accord with the emperor Maximilian.

I cannot here develop the various considerations which must be taken into account in the conduct of this operation, some of a nature purely military and technical, and essentially in the province of the marshal commander-in-chief; others, more political in character, are remitted to your appreciations in common, enlightened by the perfect knowledge which you have of local circumstances, and the necessities which they impose.

It is equally important, also, sir, to strike the balance of the financial situation and determine the guarantees which the security of the debt due to us requires. The provisions of

the treaty of Miramar not having been realized, recourse must be had to other combinations to secure the reimbursement of our advances, and at the same time to provide, in the interest of the Mexican credit, for the regular payment of the arrearages of the debts contracted by the loans of 1864 and 1865. Mr. Langlas will receive by this courier, from the minister of finance, detailed instructions, which he will communicate to you; you will also have an understanding with him, in order to assure their execution.

The government of the Emperor has thought the simplest and least onerous combination for the Mexican government would consist in placing in our hands the custom-houses of Vera Cruz and Tampico, or others which should be deemed more suitable. One-half the returns should be ours, to be applied, one portion to payments of interest, at three per cent., on our credits, estimated on a capital of two hundred and fifty millions, and the rest as a partial guarantee of the interest due the holders of bonds of the loans of 1864 and 1865. Administered under our care, it is allowable to hope that these custom-houses would furnish still, after the previously assented to deductions, important resources. You will, therefore, have to make with the Mexican government such necessary arrangements that this delegation be regularly conferred upon us.

These points settled, and French interests thus guarded, the government of the Emperor will none the less continue to evince, in an efficient manner, all the sympathy which inspires his Majesty for the sovereign of Mexico personally, and towards the generous task to which he has devoted himself. You will please, sir, to make, in the name of his Majesty, this assurance to the Emperor Maximilian.

Accept, &c., &c.

DROUYN DE LHUYS.

The Minister of France in Mexico to the Minister for Foreign Affairs.

MEXICO, *March* 9, 1866.

Mr. MINISTER: I am in receipt of the despatches your excellency has done me the honor to address to me, dated 14th and 15th January.

I am going to state positively that the well-settled purpose of the Emperor is that the evacuation commence towards the coming autumn; and that I am at the disposal of the emperor Maximilian to settle this point formally, in conformity with he instructions I have received, but that, meantime, Marshal Bazaine is taking measures to guarantee, as far as possible, all the interests involved.

Your excellency already knows the intentions of the commander-in-chief of the expeditionary corps. The evacuation, commenced in November next, will be finished in the autumn of 1867; that is to say, will be entirely accomplished in eighteen months.

Accept, &c., &c.

DANO.

Mr. Seward to Mr. Bigelow.

No. 492.] DEPARTMENT OF STATE,
Washington, June 30, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 14th of June instant, No. 338, which gives me the report of a debate in the Corps Legislatif on the Mexican question, with your comments thereon. I have been exceedingly interested in the debate, but it does not seem to call for any new instruction.

We are already aware that the understanding which has now happily been reached between the United States and France on the subject of Mexican affairs is not entirely satisfactory to some sanguine persons in the United States. Your despatch shows that it is equally unsatisfactory to many sanguine men in France. If, however, as we now assume, the French government shall entirely withdraw its forces, and desist from the further intervention in Mexico, in the manner and at the times heretofore agreed upon, we may expect and trust that Mexico will thereafter relieve both France and the United States of all concern about her affairs, and resume with renovated spirit her progress toward well-organized and discreet self-government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 493.] DEPARTMENT OF STATE,
Washington, July 2, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 14th of June, No. 336.

The President appreciates the frankness and benevolence of the sentiments which Mr. Drouyn de Lhuys has expressed on the subject of the republics of Hayti and St. Domingo. Had affairs in the latter republic remained unchanged, we would now have very cheerfully concurred with France and with Great Britain in recommending to the two republics the establishment of amicable relations—a measure essential to the welfare, if not the safety, of both states. The revolution, however, which has recently occurred in St. Domingo, has involved the subject in new and unforeseen difficulties. We trust that a government will be established there upon foundations which will prove permanent. In that case I shall revert anew to the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 344.] LEGATION OF THE UNITED STATES,
Paris, July 6, 1866.

SIR: The war of which I announced to you the commencement scarcely three weeks since, appears to be approaching a sudden and unexpected termination. Austria, after sustaining a series of rapid and disastrous defeats from the Prussians, has withdrawn what a month ago was the only formidable obstacle to a conference by offering to cede Venetia to the Emperor of France. The following announcement of this event appeared in the Moniteur yesterday morning:

"An important event has just taken place. The Emperor of Austria, having kept intact the honor of his arms in Italy, complying with the ideas expressed by the Emperor Napoleon in his letter addressed on June 11 to his minister of foreign affairs, cedes Venetia to the Emperor of the French, and accepts his mediation to bring about peace between the belligerents.

"The Emperor Napoleon hastened to respond to this appeal, and immediately made an application to the kings of Prussia and Italy to procure an armistice."

Though the Austrian army seems to have been utterly demoralized by the succession of defeats which it experienced during the first days of July, and by its utter rout at Sadowa; and though the capital of the empire is thought to be in peril, the sudden surrender of Venetia to the Emperor of France has given rise to no little speculation. The result confirms an impression which I formed some weeks since, and which I think I communicated to you, that the war was a sort of feigned issue between the larger powers, to quiet certain disputed titles which have more or less disturbed the harmony of Europe since 1815, and that its end was foreseen by those who are to gain most by the result from the commencement.

It remains to be seen what answer Prussia will make to the Emperor's appeal, but it is hardly to be supposed that he will impose terms which it will not be for her interest to accept, especially when she comes to reflect that the Emperor, in case of refusal, might be disposed to throw his own sword into the balance with the swords of Austria and of Italy, thus returning the compliments paid him by Prussia in 1859, when his army threatened the Quadrilateral.

It is to be presumed that the Emperor has invited the belligerents to unite in

a conference at Paris, although up to this time no official intimation of such a purpose has transpired. If such a conference is held, I do not doubt that it would result in the practical absorption of the smaller states of northern Germany, and a revival of the project first announced by the Emperor, at the peace of Solferino, of an Italian confederation.

I will not venture to speculate upon the probable price of France's friendly mediation, but no one seems to doubt that Prussia will be quite as generous to the Emperor, for an adjustment which will make her incontestably the head of the German empire, as Italy was for his aid in 1859.

Some days will probably elapse before the answers of Germany and Italy are received, as they must consult each other before either can accept the Emperor's proposal. I understand that the Emperor entertains no doubt of its acceptance.

I am, sir, with very great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 349.] LEGATION OF THE UNITED STATES,
Paris, July 20, 1866.

SIR: Prussia has consented to a cessation of hostilities for five days, upon certain conditions, which it is supposed at the ministry of foreign affairs will be acceded to by Austria. If they are, peace will probably be made upon the basis of excluding Austria from the confederation and of subordinating the smaller states of northern Germany to Prussia.

M. Drouyn de Lhuys, with whom I have talked upon the subject this morning, says that in justification of the purpose of Prussia to exclude Austria may be stated the great disproportion of people of other races than the German in Austria, through whom Austria exerted an undue influence in the confederation. As to the proposed absorption of the smaller states by Prussia, that would be only to make law what was already practically the fact. Those states had joined Prussia at the first threat of war because their sympathies and interests were with Prussia.

Prince Napoleon has gone to Italy, charged by the Emperor to use his influence with that government in promoting the contemplated arrangement. No difficulty is anticipated here from that quarter, provided Prussia can be satisfied.

Mr. Drouyn de Lhuys persists in feeling confident that France will not be involved in the quarrel, and that the changes likely to occur in Europe are logical and will prove advantageous.

In reply to a question which I addressed him about the Papal question, he said that it was for the interest of Italy, in every point of view, to keep the capital of the church where it is; and he for his own part did not doubt that it would be kept there. I construed his language and manner to signify that nothing would be allowed to occur which would deprive the Pope of his freedom to choose between Rome and any other capital for his residence. His excellency intimated that some stipulation would be taken from the King of Italy on that subject before peace is declared.

I have not remarked upon the change which the counsels of the Emperor seem to have undergone during the past week towards the belligerents. This day week it seemed to be the tendency of this government to strike hands with Austria. Prussia, however, showed herself so irresistible, and her enemies on the other hand so weak, that the idea of associating the fortunes of his empire more intimately with those of Austria was suddenly abandoned. I think it is

now pretty well determined by this court to allow Mr. de Bismark to execute the programme which he had traced out for Prussia before the war commenced. Austria, however, seems disposed to try her fortunes once more in the field, and if she should have a substantial success (which is, by the way, not anticipated by this government) the attitude of the belligerents to each other and to foreign powers might be materially changed.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 351.] LEGATION OF THE UNITED STATES,
Paris, August 3, 1866.

SIR: I have the honor to enclose to you, in two extracts from official journals at Berlin, what is here recognized in official quarters as substantially the preliminary conditions of a peace which were entered into on the 26th of July by Austria and Prussia. Austria assents to a dissolution of the old Germanic Confederation, and to a new organization of Germany proper, to which she shall in no political sense belong. She engages to recognize such federal union as Prussia may establish in connection with the states north of the Main, and any union among themselves which the states south of that river may enter into.

I learn that Prussia insists further that Austria shall never become a member of this latter union, though nothing of that has yet transpired in the press. This is at present one of the gravest questions which now divide the belligerents. It is difficult to see how Austria can yield to such a humiliating privation of sovereignty if she has any faculty of resistance left, while Prussia, I am told, is disposed to be very tenacious upon this point.

The manner in which the war has been conducted and in a manner terminated, has been so mysterious and so unprecedented in its most important aspects, as to leave the public mind of this country in a very unquiet state. No one is yet able to see how France is to reap the profit from this war which will compensate her for the great accessions of strength resulting from it to her two most powerful continental neighbors. Without some such compensation they feel that the relative influence of France in the European system is lowered, her security gravely compromised, and the peace that may now be made not likely to be durable.

I confess I have not as yet shared these apprehensions. The Emperor of France is the author and apostle of the policy of absorbing the secondary and tertiary sovereignties by the primary ones. For purposes which nearly concern the dignity and honor of France, as the French understand those words, he wished to have the authority of some leading European power in support of it, and he now has it in Prussia. Austria will be compelled to lend her concurrence. That France will have her compensation sooner or later in the final peace, or under a future treaty, I have no doubt. Without some tolerably satisfactory assurance upon that point the war would have been prevented, an easy thing for France to have managed, or, what would be still easier, it would yet be prolonged. The more completely, however, France shall appear to have suffered by the changes wrought by the war, the more easy it will be for these "rectifications" to be conceded to France, which, in my opinion, were intended in advance to be the price of her forbearance. That no symptoms of any such arrangements have been disclosed by the press is not strange, but rather confirms me in the impression I have expressed. Savoy was not added to France till many months after

the peace of Villa-Franca. It came to her then as a present, "not as the price of blood."

The Emperor is at Vichy, attended by the minister of foreign affairs and by most of his cabinet. The Prince Napoleon also arrived there yesterday from Italy. Up to last night the negotiations for a peace between Austria and Italy were not as far advanced as between Austria and Prussia. Indeed, a battle between the Italian and Austrian troops yesterday morning was with difficulty prevented. I learned this yesterday at the ministry of foreign affairs. The press makes no allusion to it.

My impression is that the obstacles to a peace, however, will all be overcome without more fighting of consequence. Prussia will have all she has yet asked. Italy will get Venetia without conditions, and as much more as possible; and Austria will be reduced to a second-rate power. For such of the secondary states south of the Main as may be left independent for the present, will be reserved the privilege, if it may be called such, which Polyphemus reserved for Ulysses, of being eaten last.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The Prussian Moniteur publishes the preliminaries of peace, stipulated the 26th July, to obviate in advance, as it states in an article, the evil results which might arise from false interpretations.

BERLIN, *August* 1—Evening.

The Emperor of Austria recognizes the dissolution of the Germanic Confederation, and consents to a new organization of Germany, to which Austria remains foreign. The Emperor promises to recognize the limited federal relations which the King of Prussia is to establish in the German countries north of the line of the Main, and gives also his consent to a union of the states situated south of that line; a union, the national representation of which, is reserved for a more definite arrangement with the confederation of the north.

These articles correspond exactly to the French propositions of mediation recommended at Vienna the 14th July. Austria has, therefore, consented to a reorganization of Germany, without any obstacle on her part, and without herself taking part in it. The empire of Austria does not form a part of the southern union, and we cannot consider the national and natural bond of union between the north and the south of Germany as destroyed by the line of the Main.

The following is the account of the conditions for peace, published by the Provincial Correspondence, of Berlin, known as an official organ. Most of the details here given have, however, been already received from other sources:

"According to the information at present received the principal clauses of the preliminaries of peace appear to be the following: Austria will not suffer, with the exception of Venetia, any loss of territory; but she cedes to Prussia her part of the co-possession of Schleswig-Holstein. Saxony, which alone in the German states figures in the Austro-Prussian preliminaries of peace, preserves also her territorial integrity, with the reserve of ulterior decisions as to her position in the confederation of the north with regard to Prussia. Austria pays to Prussia 40,000,000 of thalers as cost of the war. Of this sum 15,000,000 will be deducted as Austria's share of the cost of the war in the duchies, and 5,000,000 as cost of occupation. Bohemia and Moravia will continue to be occupied by the Prussian troops until the payment of the balance, (20,000,000.) Austria withdraws entirely from the union of the German states, and recognizes the formation of a restricted confederation of the states of the north under the direction of Prussia. The union of the states of the south, and the regulation of their connection with the confederation of the north, are reserved to the free understanding of these states. Austria recognizes the changes of possession to be made in northern Germany. By that is understood the measures which Prussia will take relative to the countries occupied militarily—that is to say, Hanover, Electoral Hesse, the part of Hesse Darmstadt (Oberhessen) situated to the north of the Main, the duchy of Nassau, and Frankfort. The details are not, however, contained in the preliminaries of peace with Austria, as those leave to Prussia a free decision in that respect, stipulating that Austria will recognize what Prussia shall have done."

The same journal also says:

"France, by her mediation, has acquired great merit for herself by the satisfactory results of the work of peace up to this time obtained. The Emperor of the French accepted, in a generous and disinterested manner, with the hope of a really just and impartial pacification, the mission given to him by Austria. In the important position created for him in the negotiations, the Emperor Napoleon has not sought, neither for himself nor for France, anything but the honor and glory of causing his authority to prevail among the sovereigns in favor of an equitable peace. It has been given to him to contribute to the accomplishment of the great work which he had rigorously commenced for the establishment of a free and united Italy. In the same spirit that presided at that work he has spontaneously offered his hand to Prussia, to lay the solid and secure foundations of a united Germany. The financial situation of Prussia, favorable beyond all expectation, permits the cessation of the forced contributions levied on the country for bread, meat, and forage for the troops; henceforward such things will be paid for by the state. A loan does not appear to be necessary to cover the expenses of the war; a transitory financial measure will, perhaps, be sufficient to acquit the state obligations resulting notably from the contributions imposed on the country."

Mr. Bigelow to Mr. Seward.

[Extract.]

No. 352.] LEGATION OF THE UNITED STATES,
Paris, August 3, 1866.

SIR: The news of the successful union of the eastern and western hemispheres by electric telegraph reached this legation on the 28th of July last, at twenty-eight minutes past five in the morning, in the following despatch from Mr. Cyrus W. Field:

FRIDAY—11 p. m.

His Excellency the AMERICAN MINISTER, *Paris:*

The Atlantic cable is successfully laid. May it prove a blessing to all mankind.

CYRUS FIELD, *Newfoundland.*

On the first day of August the Paris papers contained despatches from New York of that date, announcing the recent honor conferred by the President and Congress on Grant and Sherman. I trust the umbilical cord with which the Old World is reunited to its transatlantic offspring may never transmit intelligence less welcome than this to patriotic Americans.

* * * * * * *

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hay to Mr. Seward.

No. 357.] LEGATION OF THE UNITED STATES,
Paris, August 10, 1866.

SIR: There have recently appeared paragraphs in the journals of Paris announcing the contemplated departure from Mexico of the wife of the Archduke Maximilian. These naturally created some degree of discussion and comment generally unfavorable to the imperial cause in Mexico. To check this injurious line of remark, the Memorial Diplomatique, the organ of the so-called Mexican empire in Paris, in its last issue published the following formal announcement:

"We are authorized to contradict, in the most formal manner, the rumor that the empress of Mexico is on her way to Europe.

"The same report was circulated at the time of her Majesty's departure for Yucatan, and it is known that the emperor Maximilian, on a solemn occasion,

denounced as an infamous calumny the mere supposition that either he or his august spouse could ever be false to their duty."

The Pays, a journal in the same interest, published on the following day this additional denial of the same rumor:

"A journal, tormented with the desire of producing sensation news, has mentioned in reference to Mexico a completely absurd rumor started at Paris, by no one knows who, some days go.

"There is not one word of truth or reason in the assertion."

Yesterday, to the confusion of these positive and indignant friends, the lady in question arrived in Paris, and alighted at the Grand Hotel. She was immediately waited upon by Mr. Drouyn de Lhuys, who passed in her company the greater part of the afternoon.

To-day the morning papers publish the following extract from the official journal of Mexico, of the 8th July:

"The empress leaves for Europe, where she is going to treat of the affairs of Mexico, and regulate different international matters. This mission, accepted by our sovereign with real patriotism, is the greatest proof of abnegation that the emperor could offer to his new country. We give this intelligence that the public may know the real object of her Majesty's absence."

The princess is accompanied by Mr. Martin Castillo, minister of foreign affairs, the Comte del Valle, her grand chamberlain, the Comte de Bouchelles, and other officers and attendants.

The most unfavorable conclusions are deduced from this visit, especially by those who are so unfortunate as to hold large amounts of the Mexican loan. It is generally regarded as a final effort to obtain by personal influence and solicitation that indispensable aid for the Mexican empire which has been refused to its accredited diplomatic representative.

I am, sir, with great respect, your obedient servant,

JOHN HAY,
Chargé d'Affaires ad interim.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hay to Mr. Seward.

[Extract.]

No. 358.] LEGATION OF THE UNITED STATES,
Paris, August 17, 1866.

SIR: According to a suggestion of Mr. Bigelow, who is spending some days with his family at Ems, I called yesterday upon the minister of foreign affairs. I spoke to his excellency of the reports which were currently published in the journals of Paris in reference to the visit of the Princess Charlotte to France—these reports stating that the stay of Maximilian in Mexico had become conditional upon a modification of the course of action adopted by the French government, and announced in his excellency's recent communications to the Marquis de Montholon and to Mr. Bigelow; several journals further intimating that the princess had succeeded in obtaining a change of that programme. I asked the minister if there had been any modification, or if there were any intended, of the policy of the Emperor's government toward Mexico, heretofore declared.

He replied, "there had been no modification of our policy in that matter, and there is to be none. What we announced our intention to do we will do. Of

course," he added, "we received the empress with courtesy and cordiality, but the plan heretofore determined upon by the Emperor's government will be executed in the way we announced."

* * * * * * *

I am, sir, with great respect, your obedient servant,

JOHN HAY,
Chargé d'Affaires ad interim.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hay to Mr. Seward.

No. 361.] LEGATION OF THE UNITED STATES,
Paris, August 24, 1866.

SIR: The Princess Charlotte, of Mexico, left Paris yesterday for Miramar. She received on Wednesday the visit of the Emperor and Empress of France, and at her departure was conveyed to the railway station in the Emperor's carriage. In spite of these flattering attentions, and the cordiality with which she was received at St. Cloud, I am informed she sets out from Paris with no reason to congratulate herself upon having come.

Her proceeding to Miramar before going to Brussels, taken in connection with the more significant fact that during her stay in Paris no member of her immediate family has visited her, would seem to indicate a certain coolness in her relations with her brothers of the royal house of Belgium.

I am, sir, very respectfully your obedient servant,

JOHN HAY,
Chargé d'Affaires ad interim.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 516.] DEPARTMENT OF STATE,
Washington, August 24, 1866.

SIR: I transmit herewith for your information copies of the President's proclamation of the 17th instant, declaring null and void a decree of Prince Maximilian closing certain ports in Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., *&c., &c., &c.*

[August 17, 1866.—Declaring null and void a decree of Prince Maximilian closing certain ports in Mexico.]

BY THE PRESIDENT OF THE UNITED STATES OF ANERICA.

A PROCLAMATION.

Whereas a war is existing in the republic of Mexico, aggravated by foreign military intervention; and whereas the United States, in accordance with their settled habits and policy, are a neutral power in regard to the war which thus afflicts the republic of Mexico; and whereas it has become known that one of the belligerents in the said war, namely, the Prince Maximilian, who asserts himself to be emperor in Mexico, has issued a decree in regard to the port of

Matamoras and other Mexican ports which are in the occupation and possession of another of the said belligerents, namely, the United States of Mexico, which decree is in the following words:

"The port of Matamoras and all those of the northern frontier which have withdrawn from their obedience to the government are closed to foreign and coasting traffic during such time as the empire of the law shall not be therein reinstated.

"ART. 2. Merchandise proceeding from the said ports, on arriving at any other where the excise of the empire is collected, shall pay the duties on importation, introduction, and consumption, and on satisfactory proof of contravention shall be irremissibly confiscated. Our minister of the treasury is charged with the punctual execution of this decree.

"Given at Mexico, the 9th of July, 1866."

And whereas the decree thus recited, by declaring a belligerent blockade unsupported by competent military or naval force, is in violation of the neutral rights of the United States, as defined by the law of nations, as well as of the treaties existing between the United States of America and the aforesaid United States of Mexico:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the aforesaid decree is held, and will be held, by the United States to be absolutely null and void, as against the government and citizens of the United States, and that any attempt which shall be made to enforce the same against the government or the citizens of the United States will be disallowed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington the seventeenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Mr. Bigelow to Mr Seward.

[Extract.]

No. 365.] LEGATION OF THE UNITED STATES,
Paris, September 7, 1866.

SIR: This mail will convey to you the important intelligence that the treaty of peace between Austria and Prussia, which was signed at Prague on the 23d ultimo, has been ratified, and that Mr. Drouyn de Lhuys has been replaced in the ministry of foreign affairs of this empire by the Marquis de Moustier, at present French ambassador at Constantinople.

The treaty of Prague, copies of which are given in all the public prints, conforms substantially to the preliminary treaty at Nikolsburg, of July 26th. The most important difference is in the clause which relates to Italy. By the sixth article of the preliminary treaty, the King of Prussia engaged to induce his ally, the King of Italy, to assent to the terms of the preliminary treaty, and to the armistice based upon it, as soon as the Emperor of the French should declare that Venetia was placed at the disposition of the King of Italy. The Emperor authorized Mr. Benedetti, his ambassador at Berlin, to make that declaration on the 29th of July. The second article of the definitive treaty affirms and recognizes the reunion of the Lombardo-Venetian kingdom with the kingdom of

Italy, without any other onerous "condition than that the liquidation of the debts due from parts of the ceded countries should be recognized in conformity with the plan followed in the treaty of Zurich."

The preliminaries of Nikolsburg contained nothing about the Venetian debt. This is the only difference between them of practical importance. It will add largely to the financial burden of Italy, but will not, I have reason to believe, delay many days longer the execution of a definitive treaty of peace between Austria and Italy. Those here who ought to be best informed upon the subject expect the negotiations will have reached a successful termination before the 20th instant.

The surrender by Mr. Drouyn de Lhuys of the portfolio of foreign affairs, which he has held at three different periods—the last time for the term of four years, and always with distinction—has naturally produced a great sensation; the greater from the obviously constrained silence of the French press upon the subject. * * * * * *

Mr. de Moustier was ambassador at Berlin and Vienna before going to Constantinople. Though he has never achieved any European fame as a diplomatist, his colleagues who know him think that he lacked nothing but the opportunity to do so. So far as his appointment denotes anything further than a desire to secure harmony in the imperial councils, it would appear to indicate a disposition to cultivate friendly terms with the government at Berlin, where, I am told, Mr. de Moustier left a favorable impression, and where his appointment has been received with great satisfaction.

Mr. de La Vallette did not receive the diplomatic corps yesterday. He was hunting with the Emperor, who has happily recovered sufficiently from his late illness to enjoy the sports of the chase.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 366.] LEGATION OF THE UNITED STATES,
Paris, September 7, 1866.

SIR: The press of this capital has been permitted of late to discuss with quite unaccustomed freedom, as you may have remarked, the questions growing out of the extraordinary and most embarrassing relations of France with Mexico. I enclose a few articles from journals which you are not likely to have seen, but to which I am disposed to attach more than ordinary importance.

The three articles from the enlightened and conscientious pen of Monsieur Cochut, which appeared in the Temps of the 18th, 22d, and 23d of August, are chiefly important for the information they lay before the French public for the first time in regard to the financial relations of France and Mexico. I have reason to suppose that the figures which he gives were received from the highest source.

The articles from the Opinion Nationale of the 29th and 30th of August, from the pen of its editor, M. Gueroult, derive importance—

First, from the unusual freedom with which the Mexican enterprise is denounced in a journal which has been acquiring for a year past more and more official authority.

Second, from the fact that the writer is a member of the Corps Legislatif, for the city of Paris, and

Third, from the fact that he is supposed to consult with Mr. Rouher, the minister of state, very freely upon all public questions in which the government is supposed to have a policy not already fully disclosed to the public. These considerations enforce Mr. Gueroult's recommendation that the government should not attach an exaggerated importance to any promised indemnities for its Mexican investment, and above all should make no sacrifice and run no risk of ulterior complications to insure them. "Our insuccess," he says, "is complete, incontestable; and the only reasonable course to take is, to accept things as they are, without seeking to color, dissemble, or extenuate them; the essential point is to finish with them, to finish radically, leaving nothing behind which can become a point of departure for new complications. It is not necessary, he says, to leave garrisons in the seaports, when we leave Mexico, charged to collect the revenue for our benefit. That would only lead to a recommencement of difficulties without number, which would make us re-enter by another door the inextricable labyrinth from which we must get out at any price. We must cut into the quick; leave nothing behind; finish, at all hazards, this bad business. A few millions more or less are not an interest to be balanced against the freedom from anxiety which would result to us from the complete and radical termination of this unhappy affair. In a word, the Mexican expedition has been a bad business. We must set it down to profit and loss, and occupy ourselves no more with it; neither believing, nor appearing to believe, nor letting others believe, that any returns are to come from it. For the present we should pursue but one end; bring back our troops and our flag, establish with the government which shall succeed Maximilian's as good relations as the situation will permit, and which will assure us, as far as anything can be assured in that country, the safety of our country people."

Mr. Gueroult expresses the opinion which was given by Mr. Saillard to the Emperor on his return from Mexico, that there will never be a civilized government in that country till it has been born again into the United States. He says, and no doubt alludes to Saillard's remark: "All who have seen Mexico nearly, agree that she is destined to be devoured by the United States. They have already invaded, peopled, and colonized California, Texas, and New Mexico. The rest will follow as fast as (the traces of the civil war being effaced) their need of expansion shall be manifested."

In his article of the following day Mr. Gueroult treats of the liability of France for the loan negotiated here, if not through the government, under government auspices. Without venturing to say whether the government ought to assume that loan, he presents the case so strongly in that direction as to indicate to my mind a disposition on the part of the government to assume it if public opinion should justify such a step. I think one of the purposes of Mr. Cochut's article of the 23d was to help prepare the public mind for that result.

Independent of the moral obligation of the government to assume those bonds from which it has itself received large sums, I think the Emperor would not be indisposed to profit by the transfer of those bonds from the shoulders of the few to the shoulders of the whole people, with the view of making the nation interested in treating them and the government under whose auspices they were issued as considerately as possible, and disposed to take advantage of any opportunity that may present itself, in future negotiations with the United States or Mexico, of realizing something from them.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Temps of August 18.—Translation.]

THE MEXICAN CRISIS.

The arrival of the empress of Mexico in Paris has made the forgotten affairs of that country the order of the day. There is no doubt about the object of this voyage; the official journals of the Mexican empire thus divulged it on the 7th of July:

"Her majesty the empress starts for Europe to-morrow. She goes to treat about Mexican affairs, and make various international arrangements. This mission, accepted by our sovereign with true patriotism, is the greatest proof of abnegation the emperor could offer his new country. We give this news that the public may know the real intention of her majesty's voyage."

Mystery is impossible in these important affairs, undertaken by such a courageous and intelligent sovereign. The news that has come to us from Mexico for several months explains the whole affair. The New Era, the semi-official journal of the French expedition, speaking of the empress's departure, says: "Things look very gloomy." In Sonora and Sinaloa, near California, the imperial garrisons are much diminished, and disasters are anticipated. On the other limit, towards the Texas frontier, the rout of a column conveying a specie train, the desertion of many imperialists, the capture of Matamoras, where the Juarists had a rich booty of merchandise, the use of its entry fees, one of the most important ports to the Mexican treasury, the ports of Acapulco, on the Pacific, and Tampico both feebly defended, the warlike people of the Huasteca in rebellion—these are checks which the authorities do not try to conceal.

The aspect of affairs would be more gloomy still if paragraphs from American newspapers and scraps from private letters were taken into consideration. The official promise made in Paris before the Corps Legislatif to recall the French troops, the only ones that inspired fear to the dissidents, has echoed widely in the New World, and has produced the anticipated effect. The republicans are so firmly convinced they are masters of the situation that the partisans of Juarez and Ortega are already contending for the presidency. Abominable and cruel reprisals terrify those who have openly declared for the new rule: and the poor Indians, not knowing what to do, hide themselves in the forests with their goods and cattle, and avoid both parties.

Well-established revenues could not long stand such a state of things; so the few and uncertain resources of the Mexican treasury were soon drained. By a formal order of Maximilian, great efforts are making to enforce the European engagements; but there is want in the civil departments, and even around the throne. The paragraph above quoted shows the discouraging crisis of the 5th of July. The abdication of Maximilian seems inevitable. The empress, then, with that boldness we admire in the French, and which secures her our sympathy, developed a plan to restore the situation, and started for Paris the next day.

The court of Mexico complains of not being able to follow a proper policy, because it has no army at its disposal. The French generals, in their marches, follow their own will without making it accord with that of the government. The foreign auxiliaries have not performed what was expected of them, and some have been discharged. The troops, called imperialists, are, for the most part, bands of certain chiefs like Mejia, depending upon the influence of their leader.

According to Maximilian's advisers, then, the only means of safety is a national army of 40,000 men at the absolute disposal of the emperor. A new plan was laid out: instead of hunting the dissidents wherever they were to be found, a centre was to be formed, and a line from Acapulco to Matamoras was to be held, without caring for the immense northern regions. Now, this army could only be formed by the aid of France, and in two ways: the French army was to remain in Mexico till the commencement of 1868, within a few months of the time fixed for the complete evacuation. At the same time France was to furnish Maximilian one hundred millions of francs, to be paid monthly within two years, to pay for the organization of the national army. On such conditions the imperial government of Mexico could afford to let the French troops leave, and could guarantee the French interests in Mexico. If this indispensable aid was refused, the empress of Mexico was to quit Paris for Miramar, where her husband was soon to join her.

We are not in the secret of the Mexican embassy, and we hesitate in publishing rumors about it that appear well founded; but, whatever may be the determination of the court of Mexico, *there is no doubt but it is a fearful crisis, and that the demands carried by the empress Charlotte is an ultimatum, which, if refused, will be followed by the certain abdication of Maximilian.*

We are sorry to grieve those who yet believe in the security of the Mexican empire, but our duty is to tell them that nobody in France believes in it. *The Mexican question is dead, and its friends in France are mourning for it.* The government announced that the troops would be withdrawn from Mexico by the end of November, in three instalments, and that our expenses would decrease in the same proportion. The Corps Legislatif welcomed this promise, and was comforted. The cause of war with the United States was removed, and the world rejoiced.

Even if the French government does not consider itself bound by its word, the new arrangement is inadmissible. In the present condition of things the Mexican expedition costs us fifty or sixty millions a year; out of that sum we have reimbursed ourselves, since the treaty of Miramar, with twenty-five millions, deducted from the Paris loans. The new arrangement would suppress this annuity, and throw the entire expense of occupation upon us. We would then have to furnish for two years fifty millions for our troops, and a like sum to recruit the native army. With this new arrangement what would become of the pretended balance of our budget, and the new extinguishment of which Mr. Fould is so proud?

What if we have to buy the securities of European creditors at the price they ask? We are told that the Mexican treasury will pay all its obligations if relieved for two years from all military charges; but how can we believe that Maximilian, if left to himself, confined to a small space by an enemy emboldened by success, can collect a revenue, which he has failed to do up to the present time, and pay an annuity of fifty-six millions of the foreign debt alone, to say nothing of other expenses? On the other hand, the difficulties that would be caused by Maximilian's abdication would require a prompt and radical solution. If the recall of our troops should take place before the time specified there would be the dignity of our army to protect as it retired, and the safety of our citizens residing in Mexico to be insured; and we would have to take care of the holders of Mexican bonds, who are of that class that could not afford to lose their little savings, so hardly gained, and whose sufferings would be irreparable. These are interests of importance to everybody, and it is necessary to attend to them. The decision of the government is, therefore, anxiously expected.

ANDRÉ COCHUT.

[From the Temps of August 22.—Translation.]

FRENCH INTERESTS IN MEXICO.

It is hardly probable that the plan of the court of Mexico will be accepted by the French government. News from that country plainly shows that the experiment made at our cost is drawing to a close. We must anticipate difficulties, and prepare to meet them. The first is the withdrawal of our troops.

As Maximilian yields to discouragement, so must our military intervention be abridged. Public opinion would be pleased to see our expenses stopped, and the sufferings of our soldiers shortened. Moreover, in the present state of European politics, it is important to bring our troops back from such a distant country. The withdrawal, at present, has dangers we must notice. As soon as Maximilian declares his mission at an end, our regiments will be found scattered over a hostile country, and surrounded by an exasperated population, full of hate for the foreigner. Or shall we remain in presence of a new power, strong enough to maintain order, and wise enough to understand that a French army, supported by France, is to be respected? The French authorities in Mexico must see this alternative. Military movements in a vast country like that are always hazardous. No nation has vessels enough to bring back 30,000 men at once, with all their material. It would be very expensive to make use of merchant vessels. If the withdrawal took place gradually, the last detachments would have a hard time with the enemy and the hot region. They could not all embark at once. But these are obstacles that might be removed by experienced and scientific men. It is justly feared that the withdrawal of our troops would leave our citizens without protection. The number of Frenchmen in Mexico has increased from 4,000 to 40,000, it is said, since the new order of things. Those who are acquainted with the people of that country know the danger to which our countrymen will be exposed when not protected by the French flag. We must acknowledge now that the resistance to Maximilian is not from a few bands of robbers, as we have been too often told, but from a large class of republicans opposed to European intervention. This part of the population has been treated badly during the last two years, and but few of its families remain, whose only recollection of intervention will be of ruin and death. A Mexican is cruel and revengeful, and a severe retaliation is dreaded. One newspaper talks of *Mexican vespers*. It is horrible to believe in such predictions.

A large number of the immigrants that came to earn an honest living in Mexico will have to return with the army. Those of our countrymen who have been living a long time in Mexico have not taken part in Maximilian's cause, and they are wise enough to see the consequences. Many of them have been prudent enough to assume American citizenship for protection, in anticipation of trouble. The city is filled with shops having the names of Johnson or Wilson on their signs. There will certainly be days of trouble when the transition does take place; but foreigners, long resident in Mexico, are accustomed to those political tempests, and know how to escape them. It is to be hoped that the French military authorities will take measures with the new power, whatever it may be, to protect our countrymen after the army is withdrawn.

There is another question, that in regard to the holders of Mexican bonds, which interests more than 300,000 families. We will reserve for to-morrow the information we have collected on this subject, together with our own observations.

ANDRÉ COCHUT.

[From the Temps of August 23.—Translation.].

MEXICAN OBLIGATIONS.

The question of the strange and exceptional situation of the holders of Mexican obligations was not caused by the probable abdication of the emperor Maximilian, but was the order of the day in the government councils, as is known from semi-official sources. On the 2d of July last, when six thousand breathless spectators were waiting for the drawing of the great Mexican lottery, one of the attendants remarked to Mr. Germiny that the holders of the obligations were not in despair at the depreciation of their titles, because they relied upon the government of the Emperor to secure them; and Mr. de Germiny answered him in a way to confirm him in that hope.

The serious difficulty of to-day was foreseen, and warnings to those in power were not spared.

Last year, when the obligations were issued with a *quasi* official display, the attitude assumed by the government was remarked by everybody. These demonstrations inspired capitalists with confidence, in case of failure, to ask a guarantee, and the determination was expressed with energy before the legislative body. If the loan succeeds, said Ernest Picard, it is because the subscribers see the government behind it, in its strength, majesty, and responsibility. The Times, that did not encourage the Mexican delusion, had the same opinion, and expatiated upon it urgently. After analyzing the debates of the legislative body that destroyed the loan, shortly before it was negotiated, we said:

"Suppose the one hundred and fifty millions of revenue expected by Mr. Corta are not realized in the distracted country of Mexico, and that the provisions for the annual payments are in arrears, you will see the subscribers hurrying to the counter in Mont Thabor street, with the Moniteur of the 11th and 12th of April in their hands, and the speeches of Mr. Corta and Mr. Rouher republished in every paper.

"Can we understand how the French government piteously assumes neutrality, which it has a right to do, after insuring the investment as good? You may be assured that such is the reasoning now in many families. The expectation that the imperial government will not suffer Maximilian's signature to be protested, whatever may happen, is the great encouragement to the loan."

It is undoubtedly true that the imperial government did not bind itself; a civil tribunal could not force it to give security. Yet it often happens that a defendant is exonerated by the judge when there is no written evidence against him. But would a government hold to such a judgment? Let us bring up facts.

In April, 1864, Maximilian took possession of the throne erected for him; and, according to tradition, his first act of sovereignty was the negotiation of a loan. It was to yield 10 per cent. It was started in Paris and London by two rich and experienced houses of Europe. The French government set an example of confidence by accepting its titles up to fifty-four millions, to be drawn to its credit. Yet for all that the loan failed. The director of the Credit Mobilier said in his report for 1865: "We have omitted no sacrifice to better the condition of our customers, but we regret to confess that our efforts have caused us a considerable loss." Such is the Mexican credit, left to itself, with an interest of 10 per cent. Only a part of it was sold, and the French treasury kept the Mexican loan, just so much waste-paper, in the hands of Mr. Fould.

One year passed. Mexico is so pressed for money that military operations suffer. The emperor Maximilian has no credit; so the French government has to choose one of three things: either to give up the expedition and recall its troops, or invest the credit of France for the benefit of Mexico, or to call for a Mexican loan publicly, and thus give it a moral patronage that would make its success certain.

The last plan was adopted, as the most simple and less expensive. The government was confident of its success, and so was a majority of the legislative body, as its acts prove. The objections of a few well-informed men were thought to arise from obstinate opposition. The conditions of the loan together with the lottery amounted to about 12 per cent., which is not a high rate for Spanish American countries. The loan was advertised. Ten days before the opening of the public subscription a serious debate took place in the Corps Legislatif upon Mexican affairs. Mr. Corta, the deputy who was sent to Mexico by the government to examine affairs, was invited to speak. He gave a flattering account of the resources of the country, and the brilliant prospects of the monarchy. The opposition expressed some doubts. The minister of state followed, with a pretty picture of immense immigration, banks, joint stock and steamship companies, factories, gold, silver, iron, and coal mines, oil wells—to be discovered and worked. "As to the finances," said the minister, "has not the report of the Hon. Mr. Corta convinced the House of the abundant resources of the country?" And the House answered, "Yes! yes!"

The minister's confidence was so great it ran over in these terms:

"You may rest assured, gentlemen, that the great ability of the emperor Maximilian will insure prosperity to the finances of the Mexican empire, and undoubted security to those who intrust him with their money." [Cries of "Good!" "Good!" in the House.]

True, Mr. Rouher took care to add: "It is not now a question of responsibility of the French government. France does not interfere—nor does she guarantee the Mexican loan, directly or indirectly." Could he say aught else? It would have been very imprudent in him. A single word intimating French guarantee would have raised the obligations instantly from 340 to 1,000 francs. But we must not forget that the government desired the success of the loan without direct responsibility.

Mr. Picard still had his doubts. He said, "Subscribers lost 20 per cent. on the first loan, and now you talk of a second!" Mr. Rouher answered, "You are interested in this loan, and when the holders read your speech to-morrow, if they believe what you say, they most assuredly will not hasten up with their money. * * * These distrusts, these irresponsible criticisms that cause alarm, are impotent and empty, and persons will be right in paying no attention to them." [This was received with much applause.]

This loan is issued by the discount bank, and the public knows the establishment, bound by its charter, could open no subscription of that kind without the special authority of the minister of finance; and the receivers general of France are authorized by the minister to receive subscriptions. The care of the funds collected and the payment of the interest are intrusted to a committee of Mexican finances, established in Paris, and presided over by Count Germiny, nominated by the French government, who is a senator, former minister of finance, and ex-governor of the Bank of France. A state counsellor and eminent statesman, Mr. Langlais, is sent to Mexico to put the financial affairs of Maximilian in order; while the instalments due from subscribers are being paid in, confidence is encouraged by semi-monthly applause in the *Moniteur*, repeated by other papers. Did a government ever before take so much trouble to help a negotiation in which it had no interest?

But this is not all. The French treasury held a credit of fifty-four millions of the first loan. It was necessary to realize that sum in order to free the floating debt, which increased the sum. This was not easy. Mexican credit had fallen so much that the revenue of the first emission, yielding more than 12 per cent. at that time, was not salable. The conversion of these rents into obligations with premiums and lotteries was effected, and on that occasion Mr. Fould hurried to transform his unprofitable rents into obligations, so as to clear his portfolio. In his report of the 20th December, 1865, to the Emperor, he declares he has realized the rents he held, but at some loss. Do you suppose the minister would have thrown new Mexican obligations into market last year unless he believed them good? It seems to us of great importance to enlighten the public in regard to the funds raised for Mexico. We have some information on the subject, from good authority, which we will give.

One of the principal clauses in the treaty of Miramar was the emission of a loan to be divided into two portions, one to indemnify France for expenses already incurred and private claims to be made out; the other to furnish the sinews of war. The loan of 1864 was issued in 6 per cent. rents, delivered at 63. The French treasury received rent titles amounting to 6,600,000 francs, to pay its indemnities and claims, and locked them in its portfolio. Of the portion offered to the public only 10,162,000 francs of the 6 per cents were negotiated in London and Paris—the rich profits of which were in round numbers 102,000,000 francs. The second issue, in 1865, of 500,000 obligations, at 340 francs, yielded 170,000,000. Total amount of both, 272,000,000. The expenses of both were 26,000,000, which leaves a net profit of 246,000,000 delivered to the committee of Mexican finances.

Now what has been done with this two hundred and forty-six millions? In the first place thirty-four millions were taken to form a capital of two series of obligations, due in fifty years, and that sum is safe in the bank of deposits and consignments. A sum of fifty-four millions has been reserved for the payment of all expenses of the first loan for two years, and one year of the second, and will be used accordingly. At the time of the first loan there was a large arrearage on the old Mexican debt due to England, and its creditors would have caused the loan to fail if some provision had not been made for their satisfaction; so Maximilian's agents deducted 22,000,000 from the sums raised in Paris to pay the London creditors. It is known that the treaty of Miramar authorized the French government to raise considerable sums, mentioned in our budgets, to pay the expenses of the war. These amounted to 102,000,000. On adding these various sums we find they amount to 212,000,000. By this reckoning, what remains to the credit of Maximilian out of 246,000,000 of the two loans? Only 34,000,000, including the 22,000,000 paid for him in London. The preceding estimate does not comprise 6,600,000 six per cents of the first issue, delivered to the French government in 1864. Last year, when the six per cents were converted into obligations, the French treasury secured 174,000 obligations of the second series, estimated at 56,000,000. Out of these only 60,000 have been recently sold. Now if these obligations have been thrown into market when the solvency of the Mexican empire is doubtful, is it not reasonable to suppose the government would insure them in some way or other?

If our information is correct, there yet remain in the French treasury 114,000 Mexican obligations unrealized; 47,000 for indemnities to French subjects, and about 83,000 of the unconverted rents of the first issue, still in the hands of the Mexican committee. At this rate, there are 756,000 classified obligations in public circulation, and they are dispersed among more than 300,000 families.

Now if these obscure bondholders are not indemnified, they will have the honor of contributing 102,000,000 to the support of the French army in Mexico; and in the end the

French creditors in Mexico and English creditors in London will be paid by a new and long list of creditors in Paris. We are now only repeating what these bondholders say, and their complaints are certainly worthy of being heard.

On the other hand, we know very well what the tax-payers will say, and we will soon give them a chance to speak. We must confess that this is the most complicated and interesting case of conscience we have ever met with, and we are not ashamed to say we are not casuist enough to solve it.

ANDRÉ COCHUT.

[From the Opinion Nationale of August 29.—Translation.]

MEXICAN AFFAIRS.

The empress Charlotte's voyage to Paris has recalled attention to Mexican affairs. It is said the young princess has come to ask men and money of the French government, and has failed to get them. As this refusal coincides with the recall of our troops, promised to the United States, and the success of the Juarists, who are besieging and capturing cities, it is ominous of the fall of the Mexican empire; and we would not be surprised to see Maximilian return to Europe in a very short time.

This expected event would finish an enterprise in which we have never had any confidence, and of which we predicted the failure as early as 1862. We have not touched upon it since, because we did not wish to increase the obstacles already in the way of its success.

The voluntary or forced abdication would certainly simplify it, by relieving France of her promised patronage; but though desirable, it will not be the end of the troubles in that quarter.

Though Maximilian should leave, our troops would still be surrounded by the Juarist forces that we have fought for four years, and from whom we can expect no good will. We do not mean that our army is cowardly and is afraid of anything, but since it has to leave, it ought to be in France by October, 1867, (and sooner, if possible,) and we must consider the situation of our countrymen after it quits Mexico. It is a situation that requires a delicate treatment. The first thing to do is to give up all aid to Maximilian's monarchy. The emperor said, and his agents have repeated it, "We did not go to Mexico to give it a government." Now is the time to remember that declaration, and to treat with the Juarist party if it resumes the government. No matter to us whether there is an empire or a republic in Mexico. All we have to do is to see that the government there respects the rights and the lives of our countrymen.

If we were allowed to give advice in regard to the sad reality now apparent, we would advise the French government to place no importance in the promises of indemnity—to make no sacrifice—to risk no further complication to secure it. The Mexican affair is a bad business, and nothing can make it better. We depended upon Spain and England to help us, but they failed. The civil war in the United States was a circumstance favoring the establishment of a monarchy in Mexico. Perhaps Maximilian might have shown a higher capacity for the position offered to him. Attributing the failure of the enterprise to all these disappointments, it is not less true that the failure is complete, and all that now can be done is to accept the situation as it is, without disguise, for the most important point is to finish the business completely, and leave nothing behind as a nucleus for new complications.

We insist upon this, after spending seventy or eighty millions, to collect twelve or fifteen for our countrymen. When we quit Mexico we must not leave garrisons in the seaports to collect the custom-house duties for our benefit. It would be a cruel disappointment. Our soldiers and employés left at Tampico and Vera Cruz would be decimated by yellow fever, and we might be sure the indemnity would not be paid long, for the Juarists would respect no agreement with Maximilian, but would annoy us and lead us back into the labyrinth from which we imagined we had escaped. We must now cut to the quick, and leave nothing behind—finish the bad business at every cost. A few millions, more or less, are not to be considered when weighed with the liberty of mind and freedom of action we would enjoy at the complete termination of this unfortunate expedition.

We must profit by past experience, and the horrid scenes of the last five years to preserve us from diappointment in the future. What is the original cause of all our difficulties in Mexico? It is just what has kept Mexico in anarchy ever since her independence; the want of organic elements. The extent of territory, sparseness of inhabitants, habits of idleness, theft, and robbery, qualifies the people to retain their independence, but places insurmountable obstacles in the way of the formation of a durable and regular government.

You find among them no business habits, no inclination to industry that characterizes our native host of order and peace. Commerce, trade, and business of all kinds is in the hands of foreigners. People of means lead an idle life. The clergy dream about impossible restorations. The Indian is imposed on by everybody. There is no class to depend on. There is no starting point anywhere. It is so easy to overturn a government in Mexico, and so hard to maintain one, there is never a stable government. This is what makes every one who has seen Mexico believe that the country is destined to be gradually swallowed up by

the United States. They have already taken Texas, New Mexico, and California, and settled them, and the rest will follow as civil war ceases, and the necessity of annexation becomes urgent. Till that time, anarchy will continue to prevail in Mexico. We may treat with the government that follows Maximilian, but we must not rely upon the fulfilment of any obligation, and must avoid every act that might compromise us. In a word, the Mexican expedition is a bad business. We must charge its costs to profit and loss, and close the accounts, and make no one think anything is to be made out of it. This desperate resolution is the only counsel of wisdom. If events prove that we are wrong, so much the better; we shall be agreeably surprised. At present there is but one thing we can do, recall our troops; take in our colors, and form as good relations as we can with the government that succeeds Maximilian for the protection of our countrymen. As to war indemnities and quotas of custom-house revenues, secure them if you can, but don't expect it; and leave no soldiers behind to stir up new conflicts.

The remaining question, that of the situation of subscribers, we will postpone till our next.

AD. GUEROULT.

[From the Opinion Nationale of August 30.—Translation.]

SUBSCRIBERS TO THE MEXICAN LOAN.

The probable failure of the Mexican empire will not only ruin our countrymen residing in Mexico, but will seriously injure pecuniarily all who took part in the Mexican loan. It is already announced that the interest on the bonds will not be paid, and that the lottery their titles call for will not be drawn. Here, then, are 756,000 bonds scattered among 300,000 families, worth no more than waste-paper.

If the loan had been offered to the public by private banks, without recommendation of the French government, we would pity the bad luck of the subscribers, because they could have no hope of compensation. They would have to bear their disappointment with resignation.

Unfortunately, such is not the case. The French government, wishing to keep Maximilian, encouraged the loan, and made public efforts for its success. A committee of Mexican finance was formed in Paris, with Count Germing at its head. M. Langlais, a state counsellor, was sent to Mexico to put financial affairs in order. The discount bank authorized by the government undertook to dispose of the Mexican loan, and in fine, receiver generals in France were authorized agents to receive subscriptions and forward them to the bank in Paris. These different measures, without binding the government directly, were equivalent to a recommendation, and it is not its custom to take an interest in any financial operation outside of its own loans.

And its public language in congress was favorable to the Mexican empire, promising a most brilliant prospect. M. Corta, who was sent on a financial mission to Mexico, gave the legislative body a most brilliant picture of Mexican resources, and the minister of state used it to confirm the doubting, saying: "The great capabilty of the emperor Maximilian will assure prosperity to Mexican finances, and a certain guarantee to those who intrust him with their money." The minister believed it, and he convinced others; and so the loan was a success. Would it have succeeded if the government had remained neutral, or M. Rouher and M. Corta had kept silence, or the discount bank kept out of it, or the minister of finance had not authorized the receiver generals to act as agents for it? We doubt it.

Another weight to the arguments of those on the subscribers' side is, that out of the two hundred and forty-six millions realized, one hundred and two millions went into the French treasury to pay war expenses, &c. The French treasury has absorbed the subscribers' money, then, and owes them nothing.

It is singular, and not generally known, that Maximilian got only thirty-four millions out of the two hundred and forty-six, together with twenty-two millions paid for him in London, making a total of fifty-six millions.

The situation being as we have described, the question that arises is this: Has the French government contracted any obligation towards the subscribers to the Mexican loan, and ought it to aid them in any way?

It is a serious question, and is worthy of serious discussion. One party says the French treasury has already sacrificed too much in this unfortunate expedition; that the government has not guaranteed the Mexican loan; that it did not promise a guarantee by encouraging the loan; that the public would oppose any increase of expenses; let the subscribers take care of themselves; their high interest and lottery prizes were enough to compensate them; if the Mexican empire had succeeded, their gains would have been immense, and they would not have shared with the French treasury; but luck having gone against them, they have no reason to complain, and should not ask the nation to repair their losses. These reasonings are serious, and merit a profound examination.

The other side reasons thus: Though the government may not have guaranteed the loan, yet it sanctioned it morally by favoring it, permitting public institutions and officers to act

as agents for it; by persuading the public of its validity; thus the loan was sustained. If these seeming encouragements, given in the beginning, cannot now be interpreted as insuring it, the government certainly acted imprudently. In fact, the government has made one hundred and two millions by it, which it now holds and still refuses to reimburse the subscribers. Three hundred thousand families are injured by it, and the government has made one million of enemies, and policy as well as justice condemns it.

These two opposing theses are not lacking in force or sound arguments. The affair is embarrassing, and its solution difficult. If we lived in England or Belgium, it is probable the immediate consequence would be a change of cabinet; but to those concerned the question would remain entire, and the new ministers, though not responsible for the past, would be bound to attend to the necessities of the future. With us, where there is no ministerial responsibility, a change of cabinet would do no good. Those who committed the error will have to repair it. How this is to be done we cannot say, but it is evident that something must be done.

The press puts the question, and the government must answer it.

AD. GUEROULT.

Mr. Bigelow to Mr. Seward.

No. 369.] LEGATION OF THE UNITED STATES,
Paris, September 14, 1866.

SIR: The Moniteur of yesterday morning contains a convention which has just been negotiated between the Emperor of France and the so-called emperor of Mexico, of which I enclose a translation. It is designed to give to France a lien upon one-half the maritime customs receipts of all Mexico, and one-fourth of all the Pacific coast export duties, the remaining three-fourths being already pledged otherwise. It is stipulated that the funds to be collected from these sources shall be appropriated to the payment of—

1st. Interest, sinking fund, and principal of obligations resulting from the two loans made in 1864 and 1865 by the Mexican government; and,

2d. Interest at the rate of three per cent. on the sum of 216,000,000 francs, acknowledged by the convention of Miramar to be due to France from the Mexican government; and,

3d. Interest upon all sums advanced by the French treasury for whatsoever purpose, estimated now approximately at 250,000,000 of francs; the amount, however, to be hereafter definitely ascertained.

The collection of these duties is to be intrusted, at the ports of Vera Cruz and Tampico, to special agents under the protection of the French flag. French consular agents are to certify the returns from other ports. The Emperor of France alone has authority to decide how long the collectors of customs shall remain at Tampico and Vera Cruz, and he engages to take the requisite measures to protect them. The financial provisions of the Miramar convention of the 10th of April, 1864, are to be considered as abrogated, from the time to be designated by the Emperor of France for the new treaty to go into effect, which is declared by the imperial decree accompanying the convention, to be the 1st of November next.

The terms of this convention correspond substantially with what I prefigured in one of my communications to you early in the year. They correspond also, with the terms of negotiation sent to the French minister in Mexico, by Mr. Drouyn de Lhuys, in a communication bearing date February 16, 1866, which you will find in Documents Diplomatiques, No. vii, the second yellow book, communicated to the Corps Legislatif, at its last session, on page 37. The passage to which I refer, runs as follows:

"The government of the Emperor has thought that the combination the most simple and least onerous for the Mexican government would consist in the delivery into our hands of the customs of Vera Cruz and Tampico, or of others which may be thought more convenient. Half the products would be assigned to us to be applied, a portion to the payment of the interest at three per cent. of

our credits, estimated at 250,000,000; and the remainder as a partial guarantee of the interest due to holders of the loans of 1864 and 1865. Administered by our care, it is to be hoped that these customs will furnish still, after the deductions previously agreed upon, important resources. You will therefore make with the cabinet of Mexico the necessary arrangements for this transfer to us."

It is a curious coincidence that on the 1st of August, the day after this convention was signed at Mexico, by Maximilian, assigning away the duties to be collected at Tampico, that town was wrested from his control by the Mexican people; leaving, therefore, for the present at least, only Vera Cruz to respond to the expectations of his transatlantic ally.

A few days since, and before the convention in question abrogating the treaty of Miramar, and depriving Maximilian of his only reliable pecuniary resource, was ratified here, it was announced that General Castelnau, aide-de-camp of the Emperor of France, was to leave for Mexico in the steamer of the 17th instant, charged with a special mission, of which an officious explanation appeared in the Patrie, and was from thence generally transferred to the French press. It runs as follows:

[From the Patrie of September 12.]

"We believe that we can state that the mission of General Castelnau to Mexico is connected with the approaching realization of an entire reorganization. The plan involves several administrative and military reforms, which are to come into operation in the month of December next. The nomination of General Osmont as minister of war, and M. Friaut as minister of finance, were only the commencement of this new situation. According to the bases adopted for the Mexican army, that force, commanded principally by French officers, is not only to maintain order and tranquillity in the country, but to be employed to manage the different services, both administrative and financial. The employés requisite for that purpose are to be selected from its ranks. This system, intended to last for three or four years, will have the advantage of enabling great savings to be effected, since Mexico will then have no other expense to meet than the support of the army, while it will satisfy the most pressing requirements of the inhabitants, whose first wants are order and economy. The organization of the new Mexican army—the basis of this system—was rapidly advancing by the last accounts. The number of voluntary enlistments was so great as to warrant the suspension of the conscription As soon as the army shall be entirely formed it will take possession of the different services, and it is hoped that this substitution can be effected before the departure of the last contingent of the French expeditionary corps. When General Castelnau, as French commissioner, shall have regulated the different questions to which the adhesion of France is considered necessary, he will return to Paris, where he is expected to arrive in the early part of December. It is asserted that Marshal Bazaine, who will no longer have a command suited to his high rank, will leave Mexico about the same period."

The appointment of the French officers Osmont and Friaut as ministers of war and finance by the emperor Maximilian seemed to be regarded by the print from which I quote as a part of a new programme for the reorganization of the Mexican government, and to lay a foundation for the inference that Maximilian was preparing to make the Emperor of France, if he took the custom-houses, take with them the responsibilities of the government. This, however, does not prove to be to the taste of the Emperor of France, as I infer from the following paragraph, which appears in the Moniteur of this morning:

"By a decree of the 26th July, his majesty the emperor of Mexico has intrusted the portfolio of war to General Osmont, chief of the general staff of the expeditionary corps, and that of finance to the military intendant, Friaut.

The military duties of these two superior officers, attached to an army in the field, being incompatible with the responsibility of their new functions, they have not been authorized to accept them."

The facts which I have here recited require no amplification to show the deplorable situation in which these two governments have placed themselves, as well towards the rest of the world as towards each other. It is enough to say that to all appearance they are in a state of complete disaccord, and in a position from which it is extremely difficult to see how either can extricate itself with dignity or with honor. Everything that has thus far transpired favors the suspicion that Maximilian is anxious to transfer his ill-starred offspring to the arms of the Emperor of France, who does not seem disposed to accept it.

I have not yet seen the minister of foreign affairs *ad interim*, who yesterday again pleaded an engagement with the Emperor as his excuse for not receiving the diplomatic corps. It is now presumed that there will be no official receptions at the foreign office until M. de Moustier arrives, except upon special applications. It is understood that the Emperor leaves for Biarritz on Monday, and that M. de Moustier, who is expected to land in France early in October, will join his Majesty there before coming to Paris. In view of such a contingency, I propose myself to leave for Biarritz to-morrow.

I annex a translation of an article commenting upon and explaining the recent convention between the Emperor and Maximilian, which appears in the Constitutionel of this morning. It may be regarded as semi-official.

I am sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Moniteur Universel of September 13, 1866.—Translation.]

Imperial decree for the promulgation of the convention signed at Mexico, July 30, 1866, relative to the delegation granted to the French government on the customs receipts of Mexico.*

PARIS, *September* 12.

Napoleon, by the grace of God and the national will, Emperor of the French, to all to whom these presents shall come, greeting: Considering the report made by our minister secretary of state for foreign affairs, have decreed and do decree as follows:

ARTICLE 1.

A convention relative to the delegation granted to the French government on the customs receipts of Mexico, having been signed at Mexico on the 30th of July, 1866, the said convention, the terms of which follow, being approved of by us, shall be fully and completely carried out, beginning on the 1st day of November, 1866.

CONVENTION.

His Majesty the Emperor of the French, and his Majesty the emperor of Mexico, actuated by a wish to settle in a mutually satisfactory manner the financial questions now pending between their governments, have resolved to enter into a convention for that purpose, and have appointed as their plenipotentiaries, namely:

His Majesty the Emperor of the French, Mr. Alphonse Dano, his envoy extraordinary and minister plenipotentiary in Mexico, commander of the imperial order of the legion of honor, grand cross of the order of Guadalupe, &c., &c., &c., acting under his general full powers; his Majesty the emperor of Mexico, M. Luis de Arroyo, under secretary of state, chargé of the department of foreign affairs, officer of the order of Guadalupe, &c., &c., &c., authorized for that purpose; who have agreed upon the following articles:

ARTICLE 1. The Mexican government grants to the French government a delegation on one-half the receipts of all the seaport custom-houses of the empire arising from the duties hereafter mentioned.

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* Delegation or lien.

General and special duties of import and exports on goods of all kinds.

Additional duties of internacion and contra-registro.

Duties of majoras materiales, when these latter shall be freed from the existing delegation, granted for the benefit of the railroad company from Vera Cruz to Mexico, which delegation shall not be extended.

Nevertheless, three-fourths of the export duties of the custom-houses on the Pacific being already pledged, the delegation granted to the French government shall be restricted to the remaining twenty-five per cent.

ART. 2. The funds collected through the delegation agreed on in the preceding article shall be applied, 1st. To the payment of the interest on the sinking fund, and the payment of all the obligations (bonds) arising from the two loans contracted in 1864 and 1865 by the Mexican government. 2d. To the payment of the interest, at the rate of three per cent., of the sum of two hundred and sixteen millions of francs, of which the Mexican government has acknowledged itself debtor by the Miramar convention, and of all the sums subsequently advanced by the French treasury for whatsoever purpose. The amount of this debt, now estimated by approximation at two hundred and fifty millions of francs, shall be hereafter definitively established.

In case of the funds being insufficient to fully meet the above-mentioned charges, the rights of the holders of bonds of both loans and those of the French government shall be fully reserved.

ART. 3. The funds arising from the delegation of one-half of the proceeds of Mexican customs will increase in proportion with the receipts, and in case these funds should exceed the sum requisite to satisfy the claims set forth in article 3*, the surplus shall be applied to cancelling the debt due to the French government.

ART. 4. The tariff of duties and the mode of levying it now in use can in no wise be altered so as to diminish the quota granted.

ART. 5. The collecting of the moneys arising from the delegation mentioned in Article 1 shall be intrusted at Vera Cruz and Tampico to special agents, placed under the protection of the French flag.

All the duties levied at these two places, on account of the Mexican treasury shall be applied in full to the benefit of the French delegation excepting only such portions as are applied to delegations presently existing and to the salary of the employés of those two custom-houses. The amount of this latter expense, which will include the salaries allowed to the French agents, shall in no case exceed five per cent. of the above-mentioned duties. A quarterly statement of accounts shall show the amount thus levied by the French government, and the proceeds of the delegated duties for all the custom-houses of the empire. This statement shall determine the amount to be immediately paid in by the Mexican government in order to complete the quota granted, if there be a deficiency, or the amount to be returned to it in like manner in case of excess in collecting.

In all the ports, except Vera Cruz and Tampico, the French consular agents shall visé the returns of the situation of the custom-houses of their district.

ART. 6. The Emperor Napoleon III shall alone decide how long the agents appointed collectors shall remain at Vera Cruz and Tampico, and take the measures requisite to insure their protection.

ART. 7. The above-mentioned stipulations shall be submitted to the Emperor of the French for approval, and be enforced from the time appointed by his Majesty.

The convention signed at Miramar on the 10th of April, 1864, shall then be abrogated in all points relating to financial matters.

In token of which the respective plenipotentiaries have signed the present convention, to which they have set their seals.

Made doubie at Mexico on the 30th day of July, A. D. 1866.

ALPH. DANO.
LUIS DE ARROYO.

ARTICLE 2.

Our minister secretary of state for home affairs, chargé of foreign affairs *ad interim*, is intrusted with the execution of the present decree.

Given at Saint Cloud September 12, 1866.

NAPOLEON.

Seen and sealed with the seal of state.

By the Emperor:

J. BAROCHE,
The Keeper of the Seal, Minister of Justice and Public Worship.
LA VALETTE,
The Minister for Home Affairs, Chargé of Foreign Affairs ad interim.

* This doubtless should read Article 2.

[From the Constitutionnel of September 14, 1866.—Translation.]

The value of the convention, the text of which is given above, will be at once understood by all, and especially appreciated by the creditors of the new Mexican expire.

In consequence of this act, one half of all the revenue derived from general and special import and export duties on all merchandise entering Mexico, and on silver bars and other indigenous productions sent abroad, as well as of the additional duties of internacion and of contra-registro, will be paid over into the French treasury.

Our readers will doubtless remember that the duty de contra-registro is a registration tax, and that of internacion a clearage tax on goods going from the custom-house into the interior of the country. This latter duty was formerly collected only at the place where the goods sent inland left the seaports' circonscription, but now a recent regulation from Emperor Maximilian makes it payable on all goods the moment they arrive. The duty of internacion is 15 per cent., not ad valorem, but on the entrance duty imposed on the goods; it is a sort of tithe.

A third additional duty, this latter amounting to 20 per cent., shall also be applied to complete the quota of one half which is granted us, but only when it shall be free from existing liens; it is the tax called majoras materiales—(material improvements.) This tax is actually pledged for a little while yet as a subsidy for the benefit of the railroad company from Vera Cruz to Mexico.

The same state of things occurs concerning the duties of export only, not of import, through the ports of the Pacific—at Acapulco, Mazatlan, San Blas, and Guayamas. The revenues from that source are applied partly to the payment of international debts, and partly as a subsidy for the railroad which is hereafter to connect the capital with the Pacific ocean.

Last year the seaport customs produced sixty-five millions. The right to collect one-half of them is, therefore, no inconsiderable object, and such resources will be sufficient to meet many of the engagements of the Mexican government.

These engagements are recited in the second article of the convention, as follows:

The funds collected through the delegation [a lien] agreed on in the preceding article shall be applied—

1. To the payment of the interests, the sinking fund, and the payment of all the obligations [bonds] arising from the two loans contracted in 1864 and 1865 by the Mexican government.

2. To the payment of the interests, at the rate of 3 per cent. of the sum of two hundred and sixteen millions of francs, of which the Mexican government has acknowledged itself debtor by the Miramar convention, and of all the sums subsequently advanced by the French treasury, for whatever purpose. The amount of this debt, now estimated by approximation at two hundred and fifty millions of francs, shall be hereafter definitively established.

This assignment of revenue for the benefit of creditors is but an appropriation of securities; it is not a payment liberating the Mexican government from all indebtedness towards its various creditors. Hence the rights of holders of bonds of both loans, as well as those of the French government, are expressly reserved.

Should, on the other hand, the funds thus received in consequence of increasing international commerce exceed the interest to be paid by the Mexican government, the surplus shall be applied to a gradual cancelling of its indebtedness to the French government.

Mexico having surrendered the right to diminish henceforth the import and export duties, this assignment has a fixed basis which cannot be removed. but which can only fluctuate in consequence of an increase or a decrease in the commercial movement which has been steadily on the increase since our occupancy.

There is no reason to fear that any circumstances, foreseen or unforeseen, can either suppress or delay this levying on the revenue, as it is to be effected in the two principal ports of import and export at Vera Cruz and Tampico by special agents placed under the protection of the French flag, and most likely French subjects.

This measure will not only prevent any of the duties collected being diverted from its proper use to our loss; it will also be beneficial to the Mexican government; for our agents, better accustomed to administrative regularity, endowed with more vigilance and energy, and more skilful in ferreting out and baffling fraud, will watch with greater care the collecting of the revenue.

In all the ports except Vera Cruz and Tampico the French consular agents shall visé the returns of the situation of the custom-houses of their district.

The agents appointed collectors of customs shall be paid by the Mexican government; but, in order to prevent their salary ever becoming a burden on the imperial treasury, the latter shall contribute towards it in case of insufficiency, but in the proportion of one-twentieth of the amount collected.

The Emperor Napoleon III shall alone and absolutely decide how long the agents appointed collectors shall remain at Vera Cruz and Tampico.

This convention, as we thus see, is a new proof of the imperial government's solicitude for the interests involved in the Mexican question. It insures to the holders of bonds a serious guarantee, since it is placed under the watchful care of the agents and representatives of France, and under the strong shield of the national flag.

LOUIS CHAUVEAU.

Mr. Bigelow to Mr. Seward.

No. 370.] BIARRITZ, *September* 19, 1866.

SIR: The circular from the minister of foreign affairs, *par interim*, to the diplomatic agents of the Emperor, for which the public press has been trying to prepare the popular mind for more than a week past, appeared in the Moniteur of the 17th instant. It is occupied exclusively with the modifications which the relations of France with the rest of the world have undergone in consequence of the recent dismemberment of the German confederation. The only allusion which takes wider proportion is one made to the rapid growth of Russia and the United States, for which we are probably indebted to the demonstrations of friendship which the two latter countries have been recently exchanging with each other.

M. de La Valette, so far from appearing to regret the course of recent events in Germany, takes the position that France is relatively stronger now, with Germany divided into at least three large and independent powers, no one of which has a population as large as France, than when Germany was united in a confederation which represented a population more than double that of France. He also denounces the narrow and miserable policy of another age, when the greatness of countries was maintained by weakening those which surrounded them; and in the name of the Emperor declares with profound wisdom the true equilibrium of Europe is to be found in the satisfied wishes of its nations.

The marvellous feature of this paper is, that after interpreting so sagaciously and correctly, as I think, the bearing of recent events in Europe upon France, events which rather strengthen than weaken her position; after proclaiming the incontestable fact that she is menaced by no one, and the less incontestable fact that she is disposed to menace no one, and that the peace now making has every element of durability, the minister proceeds to argue from this state of facts the necessity of perfecting her military organization without delay. This paragraph is so perfectly inconsequential that I venture to say that it will be understood, by all France at least, as an undertaking upon the part of the Emperor to hold his sword in readiness to aid the negotiations which he has suspended, but not abandoned, for the rectification of his northern frontiers. It is difficult to conceive any other motive for addressing an announcement of such a character to the representatives of the government abroad, and in continuation of a statement of facts which logically ought to lead to a reduction rather than to an increase of military force.

The fact is that France is very imperfectly armed at present, and if ever so much provoked would seek to avoid war for at least a year, the shortest time within which she could complete her preparations. It is also understood that there is a strong party in the government in favor of making a loan, for which there are abundant pretexts. The government also expects to be vigorously attacked in the chambers by M. Thiers and the partisans of weak neighbors, for its neglect to interfere in time to prevent the unification of Germany under the sceptre of a frontier state, &c. These reasons may suffice to explain the attachment of this otherwise most inconsequential tail to M. de La Valette's kite, without ascribing it to any graver or more pregnant motive.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Translation.]

PARIS, *September* 18, 1866.

The Moniteur publishes the text of the circular addressed by the Marquis de La Valette to the French diplomatic agents abroad, which has been for some time past a subject of so much speculation. We subjoin a translation of that important document; it bears the date of September 16:

MONSIEUR: The Emperor's government can no longer delay expressing its views on the subject of the events which are taking place in Germany. The Marquis de Moustier having to remain absent for some time longer, his Majesty has ordered me to explain to his diplomatic agents the motives by which his policy is directed.

The war which broke out in the centre and south of Europe has destroyed the Germanic confederation, and definitively constitued Italian nationality. Prussia, whose limits have been extended by victory, rules on the right bank of the Main. Austria has lost Venetia, and is separated from Germany.

In presence of these important changes every state in Europe pauses and reflects how far they affect its responsibility, (*se recueillent dans le sentiment de leur responsabilite;*) each inquires what are the consequences of the peace which has recently intervened, and what will be its influence on European order, and on the international situation of each power.

Public opinion in France is excited. It wavers, uncertain between the joy of seeing the treaties of 1815 destroyed, and the fear that the power of Prussia may acquire excessive proportions; it oscillates between the desire for the maintenance of peace, and the hope to obtain by war a territorial aggrandizement. It applauds the complete enfranchisement of Italy, but wishes to be reassured against the dangers by which the Pope may be menaced.

The perplexities by which the public mind is agitated, and which do not escape observation abroad, impose on the government the obligation of explaining its ideas in a precise manner.

France cannot pursue a doubtful policy. If her interests and strength are compromised by the important changes which are taking place in Germany, she should declare it frankly, and adopt the necessary measures for guaranteeing her security. If she incurs no loss by the transformations which are taking place, she should declare it with sincerity and resist exaggerated apprehensions and ardent appreciations which, by exciting international jealousy, would turn her aside from the course she ought to follow.

In order to dissipate that state of uncertainty, and fix the public convictions, we must view in their aggregate the past as it was, and the future as it presents itself.

In the past what do we see? After 1815 the Holy Alliance united against France all the nations from the Ural to the Rhine. The Germanic confederation comprised, with Prussia and Austria, eighty millions of inhabitants; it extended from Luxembourg to Trieste, and from the Baltic to Trent, and surrounded us with a girdle of iron supported by five strong federal fortresses; our strategical position was fettered by the most skilful territorial combinations. The slightest difficulty that might arise between us and Holland with Prussia on the Rhine, or with Austria in the Tyrol or Fricul, raised up against us all the united forces of the confederation. Austrian Germany, impregnable on the Adige, might advance at any moment to the Alps. Prussian Germany had for her vanguard on the Rhine all the secondary states, incessantly agitated by desires of political transformation, and disposed to consider France as an enemy of their existence and aspirations.

With the exception of Spain we had no possibility of contracting an alliance on the continent. Italy was divided and powerless, and did not count as a nation. Prussia was neither sufficiently compact nor independent to depart from her traditions. Austria was too much occupied in maintaining her possessions in Italy to be able to form an intimate connection with us.

No doubt a long period of peace may have caused us to forget the dangers of these territorial organizations and alliances, for they only appear formidable when war happens to break out. But France has sometimes secured that inestimable blessing by the sacrifice of her position (*rôle*) in the world. It is unquestionable that during nearly forty years she has encountered, erect and opposed to her, the coalition of the three northern courts, united by the recollection of common defeats and victories, by analagous principles of government, by solemn treaties, and by feelings of mistrust towards our liberal and civilizing action.

Now, if we examine the future of Europe, transformed as it has been, what guarantees does it provide for France and the peace of the world? The coalition of the three courts of the north is broken up. The new principle that governs Europe is the liberty of alliances. All the great powers, without exception, are restored to the plenitude of their independence—to the regular development of their destinies.

Prussia, aggrandized, free henceforth from all solidarity, insures the independence of Germany. This should give no umbrage to France. Proud of her admirable unity, of her indestructible nationality, she could not consistently oppose or regret the work of assimilation which has just been accomplished, nor make the principles of nationality she represents and professes in respect to peoples, subservient to any feeling of jealousy. The national feeling of Germany being satisfied, its anxieties are removed and its enmities extinguished. Germany, in imitating France, has taken a step that brings her closer to, not that removes her *from her*.

In the south, Italy, whose patriotism a long servitude has been unable to extinguish, is put in possession of all the elements of her national greatness. Her existence profoundly modifies the political conditions of Europe; but in spite of unreasoning susceptibilities or transient errors of judgment, her ideas, her principles, her interests draw her into closer connection with the nation that shed its blood to aid her in conquering her independence.

The interests of the Pontifical throne are secured by the convention of September 15. That convention will be honorably executed. In withdrawing his troops from Rome, the Emperor leaves there as a guarantee for the security of the Holy Father the protection of France.

In the Baltic, as in the Mediterranean, secondary navies are springing up which are favorable to the liberty of the seas.

Austria, relieved from her Italian and German preoccupations, no longer wasting her strength in barren rivalries, but concentrating it in the east of Europe, still represents a power of thirty-five millions of souls, whom no hostile feeling, no interest separates from France.

By what singular influence of the past on the future can public opinion discover enemies, instead of allies, of France in these nations emancipated from a past which was hostile to us, called to a new life, directed by principles which are our own, animated by the sentiments of progress which form the pacific bond of modern societies.

Europe more strongly constituted, rendered more homogeneous by more precise territorial divisions, is a guarantee for the peace of the continent, and is neither a danger nor an injury for our nation. France with Algeria will soon number more than forty millions of inhabitants; Germany thirty-seven millions—twenty-nine of them in the northern and eight in the southern confederation; Austria thirty-five; Italy twenty-six; Spain eighteen. What is there in this distribution of European forces to cause us any uneasiness?

An irresistible power (are we to regret it?) urges populations to combine together in large agglomerations by causing the secondary states to disappear. This tendency arises from the desire to insure more efficacious guarantees for general interests. While the old populations of the continent in their limited territories increase only at a slow rate, Russia and the republic of the United States of America will each, before a century has elapsed, be able to count a hundred millions of men. Although the progress of these two great empires is not for us a subject of disquietude, and although, on the contrary, we applaud their generous efforts in favor of oppressed races, the interest of the nations of central Europe and their foresight require them not to remain parcelled out into so many states without strength and public spirit.

Politics should rise above the narrow and petty prejudices of a bygone age. The Emperor does not believe that the grandeur of a country depends on the weakening of the peoples that surround it, and only sees a real equilibrium in the satisfied wishes of the nations of Europe. In that he obeys convictions long entertained, and the traditions of his race. Napoleon I foresaw the changes which are now occurring on the European continent. He had implanted the germs of new nationalities in the Italian peninsula in creating the kingdom of Italy; in Germany by causing the disappearance of two hundred and fifty-three independent states.

If these considerations be just and true, the Emperor was right in accepting the task of mediator; to arrest useless and grievous effusion of blood, to urge moderation on the conqueror by his amicable intervention, to attenuate the consequences of defeat, to pursue through so many obstacles the re-establishment of peace—this was not an inglorious task. He would have, on the contrary, misunderstood his high responsibility if, violating the neutrality he had promised and proclaimed, he had thrown himself suddenly into the risks of a great war, one of those wars which arouse the hatred of races, and in which whole nations come into collision. What, indeed, would have been the object of spontaneously initiating a struggle against Prussia, and necessarily against Italy? Conquest, territorial aggrandizement But the imperial government has long since laid down and even applied its principles as regards the extension of territory. It can understand, it has understood, annexations when commanded by absolute necessity in order to unite to the country populations having the same manners, the same national instincts as ourselves; it obtained from the free consent of Savoy and the country of Nice the re-establishment of our natural frontiers. France can only desire territorial aggrandizements which do not affect her powerful cohesion; but she must ever labor to promote her moral or political aggrandizement by using her influence for the great interests of civilization.

Her part is to cement the accord between all the powers who wish at the same time to maintain the principle of authority and to favor progress. That alliance will deprive revolution of the prestige it derives from extending its patronage to the cause of the freedom of peoples, and will maintain in the hands of great and enlightened states the wise direction of the democratic movement which is manifesting itself throughout Europe.

Nevertheless, in the emotions which have seized upon the country there exists a legitimate feeling which it is important to recognize and define with precision. The results of the late war convey a lesson of grave import and one which has not been purchased at the expense of the honor of our arms. It indicates the necessity for the defence of our territory, of improving our military organization without delay. The nation will not fail in a

duty which cannot be a menace for any one. She is justly proud of the valor of her armies; her susceptibilities awakened by the remembrance of her military triumphs, by the name and the deeds of the sovereign who governs her, are only the expression of her energetic will of maintaining, beyond the reach of any attack, her rank and influence in the world.

To sum up, from the elevated point of view whence the imperial government considers the destinies of Europe, the horizon appears to it free from menacing eventualities. Difficult problems, which required to be solved, as they could not be suppressed, weighed upon the destinies of peoples; they might have arisen at more difficult periods; they have received their natural solution without violent shocks and without the dangerous assistance of revolutionary passions. A peace which reposes on such bases will be a durable one.

As to France, in whatever direction she casts her eye she sees nothing which can hinder her progress or disturb her prosperity. Preserving friendly relations with every power, directed by a policy which exhibits generosity and moderation as evidence of her strength, supported by her imposing unity, with her genius radiating on every side, with her treasures and her credit, which fecundate Europe, with her military forces developed, surrounded henceforth by independent nations, her greatness appears undiminished, nor will ever be less respected.

Such is the language which you should use in your relations with the government to which you are accredited.

Accept, &c.

LA VALETTE.

Mr. Hay to Mr. Seward.

No. 371.] LEGATION OF THE UNITED STATES,
Paris, September 21, 1866.

SIR: The Moniteur of yesterday contained the following announcement: "The president of the commission of finances of Mexico, at Paris, informs the holders of Mexican securities and bonds that no funds having been received from the Mexican government for the payment of the interest and coupons falling due on the 1st October next, that payment will be adjourned.

"The president of the commission at the same time reminds the holders of Mexican bonds that in conformity with the original conditions of the contract, a capital of thirty-four millions of francs, deposited in the *Caisse des Depots et Consignations* and invested in three per cent. securities, is to be applied by means of the quarterly capitalization of the interest to the reconstitution of their capital."

This announcement is dated two days before its publication, September 18, 1866. Although not wholly unexpected, it produced a decidedly depressing effect upon the Bourse. Mexican bonds fell thirty francs, and other stocks experienced a serious check in the upward movement which has been in progress for some time past.

I annex an extract from an article of Mr. Forcade, in Revue des Deux Mondes, in reference to the immediate prospects of the Mexican empire and the mission of General Castelnau, which is noticeable for its freedom of statement. A leading article in much the same sense appeared a few days since in La Liberte, the journal conducted by M. de Girardin, which urged the immediate recognition by France of President Juarez, and the arrangement of a treaty with him, as the sole practicable means of securing protection to French citizens in Mexico.

I am, sir, with great respect, your obedient servant,

JOHN HAY,
Chargé d'Affaires ad interim.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Mr. Forcade, in the Revue des Deux Mondes.—Translation.]

When it was decided to recall the French troops from Mexico, it was believed and announced that the return could take place in three successive divisions; the first being fixed for the month of November next. Many people were alarmed at this project of partial and

gradual evacuation. It seemed to them perilous to weaken our army at the moment when the relative force and audacity of our adversaries would be augmented by our withdrawal, and thus, perhaps, draw on our last battalions all the efforts of the enemy. The question of departure was also governed by the political state in which we should leave Mexico. Would the emperor Maximilian persist alone in the enterprise in which he followed us, and where he has shown that he cannot render us any service; or would he renounce the adventure and return to Europe with us? In the case of the abdication of Maximilian, could we leave Mexico without giving that unhappy country time to organize a government to its taste, with which we might negotiate and establish the future relations of France. A little reflection will show that, to solve these different questions in the least troublesome manner, they must be settled simultaneously. It is necessary to know whether Maximilian stays or leaves; and in order that the security and dignity of our army may not be endangered, it is necessary that the return of our troops should not be accomplished successively, but all at once. It is evidently the strict examination and the categorical solution of these questions which the Emperor has confided to General Castelnau in sending him to Mexico, charged with a mission doubtless painful, but the results of which might be highly important for the interests of France. The great thing in this difficult operation of putting an end to our expedition is to cut short the evil and not allow it to drag on. For us, who have no confidence in the establishment of an imperial dynasty in Mexico, we should wish that the emperor Maximilian should decide on a retreat. In any case it is to be desired that the French army, in order to withdraw in the plenitude of its strength, should be concentrated in the capital, and march *en masse* to the coast. Our military honor and the interest we have in occupying the second port of Mexico, will doubtless oblige us to retake Tampico. (Since reported to have been retaken.) Masters of Vera Cruz and Tampico, we shall be able to organize the simultaneous embarcation of our soldiers, and, besides, to retain the two most important maritime cities of the country, until we have made the necessary arrangements with the new government. If no time is lost, as we have the favorable season before us, the march of our troops to the coast and their embarcation could be completed in six months.

Mr. Bigelow to Mr. Seward.

No. 372.] LEGATION OF THE UNITED STATES,
Paris, September 28, 1866.

SIR: There is considerable discussion just now in Paris in relation to the measures to be taken by the Emperor's government to secure the holders of the Mexican loan from the loss of their entire investments. The journals are especially occupying themselves with this subject, several of those in the opposition charging the government with at least a moral responsibility for the loan; and the ministerial sheets, though somewhat reticent, generally intrenching themselves behind the formal disavowal of guarantee made by M. Rouher in the Corps Legislatif. It is thought by many that a project of a law for the relief of these unfortunate people will be introduced into the next session of the legislative body. No one considers the assignment of the Mexican customs a serious measure of reimbursement. The 34,000,000 francs now lying in the bureau of deposits is the only solid resource that any one seems to regard as within the hands of the French. But so general is the belief that something will be devised by the government to reimburse the people who invested their savings in its Mexican enterprise, that quite a brisk speculation in these apparently worthless securities has sprung up, since the announcement of insolvency was made by the president of the commission.

On the other hand, I learn from good source that Mr. Fould is firmly opposed to any assumption of Maximilian's liabilities, and has even expressed his determination to retire from the government sooner than carry out a policy so injurious to the financial interests of France.

It is sometimes vaguely suggested that a way out of the difficulty would be by a cession of territory to the United States, in exchange for a guarantee of French claims. There could be no better proof of the perplexity of the public mind in regard to this matter than this unreasonable fancy that the United States

would accept from France what they utterly deny her right to offer, and thus lend their assistance to the completion of a course of action which they have consistently condemned from its inception.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 529.] DEPARTMENT OF STATE,
Washington, September 29, 1866.

SIR: The President having accepted your resignation as United States minister to France, has appointed General John A. Dix, of New York, to be your successor. He has accepted the mission, and will depart for France on the 28th of the ensuing month.

It will be gratifying to the department should you find it convenient to continue in your ministerial capacity until relieved by your successor. I am led to make this request by the confidence in your ability and discretion which has been created by the satisfactory manner in which you have already discharged your official duties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 530.] DEPARTMENT OF STATE,
Washington, September 29, 1866.

SIR: Your despatch of the 7th instant, concerning the relation between France and the imperial government in Mexico, has been received.

I have very carefully perused the newspaper discussions which accompanied that paper. Certainly they are bold and free.

This government is awaiting the arrival of the time indicated by the Emperor of the French for withdrawing his forces from Mexico. It is not unreasonable that public opinion in France, as well as in Mexico, should be much disturbed with anticipations of ultimate consequences to result from that measure. It is not seen how our own position could be improved now by the manifestation of any doubt or apprehension concerning the execution of the arrangement for the evacuation of Mexico. If, however, you find any indication of inconstancy on the part of the imperial government, you will, in a discreet as well as respectful manner, cause it to be understood that the United States are relying with entire confidence upon the evacuation of Mexico by the French forces according to the existing arrangement.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

[Extract.]

No. 535.] DEPARTMENT OF STATE,
Washington, October 8, 1866.

SIR: * * * * But the point you mention was not distinctly presented to me, namely, what this government would think of the withdrawal of the whole French army in the coming year, instead of its being withdrawn in three semi-annual detachments, commencing next November. What I have said is this: that the arrangement proposed by the Emperor for a withdrawal of the troops in three detachments, beginning in November next, was, in itself, quite likely to be forgotten here, in the political excitement which attends all Mexican questions, before the execution of the agreement should begin. That frequent incidents of various kinds, presented by the press in France and in Mexico as indicating a disposition on the part of the Emperor to depart from that engagement, have unavoidably produced a wide popular mistrust of even the Emperor's sincerity in making the engagement, and of his good faith in fulfilling it. That by circumstances of this character this department was kept continually under an apparent necessity of protesting against proceedings which were thus weakening public confidence in its very just and well defined expectations. That the government, on the contrary, relies with implicit confidence upon the fulfilment of the Emperor's engagement, at least, to the letter; and it has even expected that, overlooking the letter, it would be fulfilled with an earnestness of spirit which would hasten instead of retard the evacuation of the French forces in Mexico.

At present, however, we are waiting for the beginning of the evacuation. When that beginning shall have come, the government will cheerfully hear suggestions from any quarter calculated to reassure the restoration of tranquillity, peace, and constitutional domestic government in Mexico; but until we shall be able to refer to such a beginning, any proceedings towards negotiation would only tend to confound public opinion in the United States, and to render the situation of Mexico more complicated.

Of course it is unnecessary to inform you that the speculations which are indulged in by a portion of the public press, concerning relations supposed to be established between this department and General Santa Anna, are without foundation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

[Extract.]

No. 374.] LEGATION OF THE UNITED STATES,
Paris, October 12, 1866.

SIR: The Marquis de Moustier received the diplomatic body yesterday for the first time. He asked if it was true, as reported in the journals, that our official relations were soon to terminate; expressed his regret to learn that it was, and his desire to have co-operated with me in cultivating friendly relations between our respective countries. In reply to a question of mine he said that the policy of his government towards the United States and Mexico would not undergo any change in consequence of the change of his department. His excellency then went on to say that he was using what leisure he could command

to master the various American questions with which he had no previous occasion to make himself familiar, and as soon as he was prepared he would be happy to talk with me or with my successor more at length; meantime he wished me to understand and to report to you that he saw the Emperor at Biarritz; that his Majesty expressed his desire and intention to retire from Mexico as soon as practicable, and without reference to the period fixed in the convention with Maximilian, if a shorter time will suffice. His excellency then went on to say that the "dissidents," according to late reports, are gaining ground, but that it is not the intention of the Emperor to undertake new and distant expeditions to reduce them; that there was some talk of retaking Tampico, but what was decided upon had not yet transpired in Paris. He said the position of France was a delicate one, and that there was nothing that the Emperor desired more than to disembarrass himself of all his engagements with Mexico as soon as he could with dignity and honor, and that with our aid, upon which he counted, the time might be very much shortened.

To this I made only the general reply that I had no reason to doubt that the future intercourse of the United States with France would be marked by the same friendly consideration which had characterized it heretofore. I did not ask what kind of aid from the United States he had in his mind, presuming it was forbearance rather than any active co-operation upon which he counted.

I may as well mention in this connection that I returned yesterday morning from Biarritz, where I was informed by Mr. Periere, the owner of the Franco-Mexican line of steamships, that the contract had been finally signed by his agent at the ministry of war, for the repatriation of all the French army in Mexico in March next, that shall not have returned previously. The letter advising him of the fact had been received, as I understood him, only the day before. Some of the troops, he said, would be repatriated this fall, but all the remainder before the end of March.

I have reason to think he was instructed to make this communication to me.

* * * * * *

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 377.] LEGATION OF THE UNITED STATES,
Paris, October 19, 1866.

SIR: I have the honor to enclose a copy of the correspondence which has passed between this legation and the minister of foreign affairs since my last communication, in relation to a seizure of powder on board the schooner William L. Richardson, Captain Goodwin, in the gulf of California. The Marquis de Moustier proposes to postpone the final consideration of this claim until the organization of a mixed commission, which he informs me has been strongly urged upon his government by the cabinet at Washington, and to which the Emperor is ready to accede.

As I have been advised of no negotiations modifying my instructions No. 43 and No. 287, and as the Marquis de Moustier's predecessor had never suggested the suspension of this claim upon any such pretext, I gave his excellency yesterday to understand that I presumed my government would have advised me of any negotiations pending at Washington or elsewhere, if it intended that they should in any way modify my conduct here; that I had received no intimation of the kind from Washington, though I could readily see many advantages in

referring claims of this class to a commission with powers; and that for the present I should content myself with referring his communication to my government for further instructions.

His excellency then remarked that he was also awaiting additional information from the minister of marine.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Drouyn de Lhuys.

LEGATION OF THE UNITED STATES,
Paris, April 11, 1866.

SIR: I have the honor to acknowledge the receipt of the note verbale which your excellency addressed to this legation on the 26th of March, 1865, in relation to a hundred barrels of blasting powder, seized on board the American schooner William L. Richardson, in the gulf of California, by one of the vessels of the French naval division on the Pacific.

Your excellency informs me that an application, made through my immediate predecessor by some California merchant, to ship blasting powder monthly to certain Mexican ports for use in the mines of Mexico, has been refused on the ground that powder delivered at any point where actual war prevailed must be regarded as contraband of war, and that the government of the Emperor already had knowledge of operations of that character which had worked to the advantage of its enemies.

Your excellency further states that the case of the schooner Richardson falls within the foregoing rule, from which your excellency represents that there was the less occasion to depart, as the French authorities were in possession of reliable information that the powder with which she was laden was destined to the use of guerillas whom Señor Vega was trying to organize in the States of Sonora and Sinaloa.

Though my government entertained no doubt that the destination of the schooner Richardson was correctly represented in the statement of Captain Goodwin, which I had the honor to transmit to your excellency on the 9th of March, 1865, and that the cargo of powder was designed exclusively for mining purposes, the doubts which you express in regard to the correctness of the representation led me to refer the case back to Washington, whence I have received some additional proof, which I now have the honor to submit to you in the annexed enclosures, marked, respectively, 1, 2, 3, 4, and 5, and to which I invite your attention. I do not know what authority your excellency may have for stating that the cargo of powder on board the William L. Richardson was shipped for La Paz; but whatever it may be, the testimony which I have now the honor to submit, and that which I have submitted on a previous occasion, constrains me to think that your excellency has been misled. The manifest of the schooner, the sworn statement of Captain Goodwin, the formal declarations of the director and engineer of the Arizona Mining Company, the letter of the United States consul at La Paz, and, finally, the written admission of the French officer who made the seizure, all concur to show that the powder in question was shipped to Arizona, and not for La Paz, or any other Mexican port.

Had there been any question at La Paz about the destination of the powder at the time of its seizure, Captain de la Canrè would hardly have given Captain Goodwin a certificate, in which he speaks in so many words of his seizure "of the one hundred kegs of powder, shipped in San Francisco on the schooner William L. Richardson, to be delivered to Paul Helder at Fort Yanca, Colorado river," &c.

These documents seem to prove by the highest order of testimony—

1. That the schooner William L. Richardson was an American vessel, bound from one American port to another.

2. That the powder seized was of a kind known as blasting powder, and was designed to be used for industrial purposes at Tubac, in Arizona, and within the territory of the United States.

My government is in possession of no evidence which tends to impeach the testimony of any of the witnesses to whose statements I have referred, or to invalidate the conclusions to which it has conducted me. I venture to believe that it will prove upon perusal equally satisfactory and conclusive to your excellency.

Assuming, as I feel authorized to do, that the powder on board of the Richardson was bound from one American port to another, it can make no difference, so far as the owner's right to indemnity is concerned, whether it was contraband of war or not. The United States, while recognizing the right of France to prevent contraband of war from reaching Mexican territory, will not be expected to allow any exercise of that right to interfere with perfect freedom of trade between her ports. The most rapid and inexpensive, and in fact the only

available mode of shipping merchandise from the United States to the Arizona Mining Company, is by the route taken by Captain Goodwin through the gulf of California and the Colorado river. The freedom of the navigation of that gulf and river are guaranteed to us by a solemn treaty still in unimpaired vigor, and if any of the exigencies of war should lead to an unlawful seizure in these waters of American merchandise, I am aware of no principle of equity or law by virtue of which full indemnity for the damage sustained by the owner of the property can be refused.

The length of time which has elapsed since this seizure was made authorizes me to express the hope that this case will receive your excellency's early attention.

I avail myself of this opportunity to renew to your excellency the assurances of high consideration with which I have the honor to be your excellency's very humble and very obedient servant,

JOHN BIGELOW.

His Excellency Monsieur DROUYN DE LHUYS,
Minister of Foreign Affairs, Paris.

Mr. Moustier to Mr. Bigelow.

PARIS, *October* 13, 1866.

SIR: I have examined the reasons that have delayed, up to the present time, the final settlement of the claim which you have made upon the Emperor's government in behalf of the owners of the American schooner W. L. Richardson. My predecessor had only proposed to postpone the examination of it until the claims which we have to make against the government of the United States should themselves be put in the way of settlement. You are doubtless informed that we have been for some time in negotiation upon this subject with the Washington cabinet. This cabinet has been very urgent that the mixed commission which it was proposed to establish for this purpose should be authorized to act at the same time upon the French claims made against the United States and upon the American claims made against us. We have assented to this proposition, and it is not owing to us that we have not already arrived at a complete understanding upon this question. You will comprehend, therefore, that we were waiting until there should be a definite agreement between the two governments in regard to the manner in which it would be best to proceed in relation to the claim which you have recalled to my notice. It is indispensable, in any case, that my department should obtain, in relation to this affair, fuller information from the ministry of marine, and I shall immediately request that department to furnish it to me.

Accept assurances, &c., &c.

MOUSTIER.

Mr. Bigelow to Mr. Seward.

No. 378.] LEGATION OF THE UNITED STATES,
Paris, October 19, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch No. 529, advising me of the acceptance of my resignation by the President, and of the wish of the department that I would remain in charge of this mission until relieved by my successor, who was to sail for France on the 28th instant.

I shall, of course, await here the arrival of General Dix, and be happy to render him such assistance as he may find available in entering upon the duties of his mission.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 539.] DEPARTMENT OF STATE,
Washington, October 19, 1866.

SIR: Your despatch of the 19th ultimo, No. 370, was duly received, and has been perused with much interest.

However variously the letter of the Marquis de La Valette may be construed,

it may be taken, I think, by the states interested, as a sufficient guarantee of a policy of peace and good neighborhood on the part of France for the present. National and dynastic interests and ambitions so frequently change, that assurances designed to cover a distant future are seldom reliable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 382.] LEGATION OF THE UNITED STATES,
Paris, November 6, 1866.

SIR: The Moniteur announced on Saturday last that the Marquis de Montholon was to be replaced at Washington by Mr. Berthemy, the late envoy extraordinary and minister plenipotentiary of France in China.

Mr. Berthemy was secretary of legation under M. Thouvenel, at Constantinople, and subsequently his chief secretary when he was named minister of foreign affairs. His first and the only full mission he has filled was that to China.

The Marquis de Moustier mentioned this change to me on Thursday last, but as he had not yet announced it to the Marquis de Montholon, he requested me not to mention it in my correspondence of that week. He spoke of Mr. Berthemy as a young man, and one who had no fixed opinions or prejudices in regard to the United States. He is now in Paris, in congé, but I have not yet met him.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 544.] DEPARTMENT OF STATE,
Washington, November 6, 1866.

SIR: I acknowledge the receipt of your despatch of the 19th of October, No. 377, which relates to a claim of a citizen of the United States against the French government, arising out of the seizure of powder on board the schooner William L. Richardson, Captain Goodwin, in the gulf of California.

You inform me that the French government proposes to postpone the final consideration of this claim until the organization of a mixed claims commission, to be agreed upon by the two governments, shall be effected.

The deference justly due to Congress has, until this time, induced the President to refrain from formally negotiating conditions of this sort for the settlement of claims against the United States, as well as in their favor, resulting from or connected with our recent civil war and the disturbed condition of affairs in Mexico.

Not sufficient time had elapsed after the close of that war, and before the last adjournment of Congress, to enable them to declare the national will in regard to the form in which the great mass of claims, before referred to, should be heard and adjudicated. Their attention to the subject will be invited at the approaching session,

In the mean time the Marquis de Moustier's suggestion of delay, in view of such action of this government in regard to the claim first mentioned, seems to be fair and reasonable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

No. 384.] LEGATION OF THE UNITED STATES,
Paris, November 8, 1866.

SIR: The minister of foreign affairs informed me on Thursday last, in reply to a question which certain newspaper rumors prompted me to address him, that it was the purpose of the Emperor to withdraw all his troops from Mexico in the spring, but none before that time. I expressed my surprise and regret at this determination, so distinctly in conflict with the pledges given by his excellency's predecessor, Mr. Drouyn de Lhuys, both to you, through the Marquis de Montholon, and also to myself personally. The marquis assigned considerations of a purely military character, overlooking, or underestimating, as it seemed to me, the improtance which this change might possibly have upon the relations of France with the United States. My first impulse was to send him a note on the following day, asking for a formal statement of the Emperor's motives for disregarding the stipulations of his foreign minister for a withdrawal of one detachment of his Mexican army during the current month of November. I concluded, however, that it would be more satisfactory to the President that I should see the Emperor himself upon the subject. I accordingly waited upon his Majesty yesterday, at St. Cloud, repeated to him what the Marquis de Moustier had told me, and desired to know what, if anything, could be done by me to anticipate and prevent the discontent which I felt persuaded would be experienced by my country people, if they receive this intelligence without any explanation. I referred to the early meeting of Congress, when any change in our relations either with France or Mexico, would be likely to come under discussion, and my fear that his Majesty's reasons for postponing the repatriation of the first detachment of his troops might be attributed to motives which our people would be disposed to resent.

The Emperor said that it was true that he had concluded to postpone the recall of any of his troops until spring; but that in doing so he had been influenced entirely by military considerations. At the time he gave the order, the successes of the dissidents, supported as they were by large re-enforcements from the United States, seemed to render any reduction of his force there perilous to those remaining behind.

He accordingly sent a telegram to Marshal Bazaine, who had already embarked a regiment, (eighty-first, I think he said,) but which had fortunately been prevented from sailing by unfavorable winds, directing him to embark no troops until all were ready to come. This despatch, his Majesty said, was not sent in cipher, that no secret might be made of its tenor in the United States. The troops were then disembarked and returned to Orizaba. His Majesty went on to say that he sent General Castelnau to Mexico about the same time, charged to inform Maximilian that France could not give him another cent of money nor another man; if he thought he could sustain himself there alone, France would not withdraw her troops faster than had been stipulated for by Mr. Drouyn de Lhuys, should such be his desire; but if, on the other hand, he was disposed to abdicate, which was the course his Majesty counselled him to take, General Castelnau was charged to find some government with which to treat for the protection of French interests, and to bring all the army home in the spring.

I asked his Majesty if the President of the United States had been notified of this, or if anything had been done to prepare his mind for the change in his Majesty's policy. He said that he did not know; that M. de Moustier ought to have done so; that, as these events occurred during the interim of a change in the ministry of foreign affairs, it was possible that it had been neglected, though his telegram to Marshal Bazaine was purposely sent in a way to show that there was nothing in his plans to disguise.

I remarked that my government was constantly under the necessity of protesting against acts done in the name of his Majesty, and the effect of such protests was always to weaken public confidence in the representations which the government had felt itself authorized to make in regard to his Majesty's intentions. I then explained to him again briefly the grave inconveniences liable to result from any unexplained departure from the stipulations already given in his Majesty's name to the world. His Majesty replied that we had the telegraph now, and that any misunderstanding of that sort might be readily rectified.

His Majesty appeared to realize the importance of having an understanding with the President upon the subject, and I left with the impression that he intended to occupy himself with the matter at once.

There is but one sentiment here about the determination of France to wash her hands of Mexico as soon as possible. Nor have I any doubt that the Emperor is acting in entire good faith towards us; but I did not feel sure that the change in his plans, upon which I have been commenting, would receive so favorable an interpretation in the United States. In view of recent successes gained by the imperialists in Mexico, and in view of the somewhat turbulent state of our politics at home, I feared that the course of the Emperor might possibly awaken suspicions in the United States, which might seriously prejudice the relations of the two countries. To prevent such a calamity, if possible, I thought it my duty to take the precautions of which I have here rendered you an account.

The fact which the Emperor admitted in this conversation, that he had advised Maximilian to abdicate, has prepared me to expect every day the announcement of his abdication, for such advice, in Maximilian's dependent condition, is almost equivalent to an order. That it would be so regarded is, I think, the expectation of the Emperor, and ample preparations for the early repatriation of all the troops have, I believe, already been made by the ministers of war and marine. The Emperor stated that he expected to know the final result of Castlenau's mission toward the end of this month.

A telegram has appeared in the London Star and Post, quoting a report circulating in New York on the 6th, that Maximilian had abdicated. As despatches received the 7th made no reference to this report, I presume it was at least premature.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bigelow.

No. 545.] DEPARTMENT OF STATE,
Washington, November 9, 1866.

SIR: I have been unable until this moment to acknowledge the receipt of your despatch of October 12, No. 374.

The President is pleased with the liberal and friendly disposition which is manifested by the Marquis de Moustier in regard to our international questions.

Mr. Campbell proceeds to-morrow, with Lieutenant General Sherman, to Mexico, or its vicinity. I give you a copy of the instructions* of this department to our new out-going minister to Mexico. It is not intended that they shall be formally or officially communicated to the French government; but, at the same time, we affect no secrecy on the occasion. You may, therefore, make such use of them as you find necessary or expedient in making known the policy of this government as affected by the anticipated retirement of the French military forces from that country.

I thank you for the information you have given me concerning domestic questions of interest in the French empire.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

[Telegram per cable.]

No. 550.] DEPARTMENT OF STATE,
Washington, November 23, 1866.

SIR: Your despatch of the 8th of November, No. 384, in regard to Mexico, is received.

Your proceedings in your interview with M. Moustier, and also your proceedings in your interview with the Emperor, are entirely approved. Say to M. Moustier that this government is surprised and affected with deep concern by the announcement, now made for the first time, that the promised recall of one detachment of the French troops from Mexico in November current has been postponed by the Emperor. The embarrassment thus produced is immeasurably increased by the circumstance that this proceeding of the Emperor has been taken without conference with, and even without notice to, the United States. This government has not in any way afforded re-enforcements to the Mexicans, as the Emperor seems to assume, and it has known nothing at all of his countermanding instructions to Marshal Bazaine, of which the Emperor speaks. We consult only official communications to ascertain the purposes and resolutions of France, as we make our own purposes and resolutions known only in the same manner where she is concerned.

I am not prepared to say, and it is now unnecessary to discuss, whether the President could or could not have agreed to the Emperor's proposed delay if he had been seasonably consulted, and if the proposition had been then put, as the proceeding is now, upon the ground of military considerations alone, and if it had been marked with the customary manifestation of regard to the interests and feelings of the United States. But the Emperor's decision to modify the existing arrangement without any understanding with the United States, so as to leave the whole French army in Mexico for the present instead of withdrawing one detachment in November current, as promised, is now found in every way inconvenient and exceptionable. We cannot acquiesce—

First. Because the term "next spring," as appointed for the entire evacuation, is indefinite and vague.

Second. Because we have no authority for stating to Congress and to the American people that we have now a better guarantee for the withdrawal of the whole expeditionary force in the spring than we have heretofore had for the withdrawal of a part in November.

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* For enclosure see correspondence with Mexico.

Third. In full reliance upon at least a literal performance of the Emperor's existing agreement, we have taken measures, while facilitating the anticipated French evacuation, to co-operate with the republican government of Mexico for promoting the pacification of that country and for the early and complete restoration of the proper constitutional authority of that government. As a part of those measures, Mr. Campbell, our newly-appointed minister, attended by Lieutenant General Sherman, has been sent to Mexico in order to confer with President Juarez on subjects which are deeply interesting to the United States and of vital importance to Mexico.

Our policy and measures thus adopted in full reliance upon the anticipated beginning of the evacuation of Mexico were promptly made known to the French legation here, and doubtless you have already executed your instructions by making them known to the Emperor's government in Paris.

The Emperor will perceive that we cannot now recall Mr. Campbell, nor can we modify the instructions under which he is expected to treat, and under which he may even now be treating with the republican government of Mexico.

That government will, of course, most earnestly desire and confidently expect an early and entire discontinuation of foreign hostile occupation. You will, therefore, state to the Emperor's government that the President sincerely hopes and expects that the evacuation of Mexico will be carried into effect with such conformity to the existing agreement as the inopportune complication which calls for this despatch shall allow. Mr. Campbell will be advised of that complication. Instructions will be issued to the United States military forces of observation, to await in every case special directions from the President. This will be done with a confident expectation that the telegraph or mail may seasonably bring us a satisfactory resolution from the Emperor in reply to this note. You will assure the French government that the United States, while they seek the relief of Mexico, desire nothing more earnestly than to preserve peace and friendship with France. Nor does the President allow himself to doubt that what has been determined in France, most inauspiciously, as we think, has been decided upon inadvertently, without full reflection upon the embarrassment it must produce here, and without any design to retain the French expeditionary forces in Mexico beyond the full period of eighteen months, originally stipulated for the complete evacuation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, November 30, 1866.

SIR: Despatch just received by Secretary of War from General Sheridan at New Orleans, reports that he has reason to fear that for some unaccountable and unjustifiable reason General Sedgwick has crossed or will cross the Rio Grande and demand the surrender of Matamoras, on plea of preventing the pillage of Americans. General Sheridan reports that if Sedgwick should so cross the Rio Grande, he, Sheridan, will at once disapprove the proceeding and will relieve him from his command; and he has already telegraphed to General Sedgwick disapproving the proceeding. The Secretary of War has approved General Sheridan's action and disapproved that of General Sedgwick in all respects.

The Marquis de Montholon has now shown me a despatch of Mr. Moustier of the 15th of October last, and explained the reason for not giving me a copy of the same when received. You may look for a despatch from me to-morrow, which I hope may favorably affect the question presented in my late telegraphic despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Bigelow to Mr. Seward.

LEGATION DES ETATS UNIS,
Paris, le Novembre 30, 1866.

MY DEAR SIR: Your telegram, dated 23d November, from Washington, was received on the 26th and 27th instant. I immediately addressed a communication to the minister of foreign affairs, who is at Compeïgne, and last evening received a note acknowledging it and saying that he reserved his reply. After a brief interview with Mr. Rouher, minister of state, this morning, at his request, I sent another note to the minister of foreign affairs, requesting, in view of the urgency of the matter, an explanation of the Emperor's motives for deferring the partial evacuation of Mexico, and a statement of his plan and preparations for the execution of the stipulation of Mr. Drouyn de Lhuys, in advance of his more deliberate reply to my first communication. I hope to have that to-morrow. The government as yet has no news from Castelnau, which will be due to-night or to-morrow; neither does it know what has become of Maximilian. The papers to-day announce the occupation of Matamoras by the federals. Mr. Rouher assures me that the vessels are all ready and waiting a despatch from Castelnau to start for Vera Cruz, and they expect to have their whole force here by March at the latest. The minister of marine says they must leave here within fifteen days on account of the fever.

Yours, very faithfully,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD.
Secretary of State, Washington, D. C.

Mr. Bigelow to Mr. Seward.

No. 387.] LEGATION OF THE UNITED STATES,
Paris, December 3, 1866.

SIR: I have the honor to enclose a copy of a despatch, which I have this day transmitted to you in cipher by the Atlantic telegraph.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Deposited at the Central telegraph office at 2.30 p. m., December 3, 1866.]

Secretary of State, Washington, United States:

In reply to a verbal communication the minister of foreign affairs writes me to-day: "The resolutions of the French government are not changed, but from military considera-

tions it has thought it ought to substitute a collective repatriation to one by divisions, and our corps of occupation is to embark in the month of March next.

"I add that the French government is disposed to have an understanding with the United States in view of possible events in Mexico."

JOHN BIGELOW.

PARIS, *December* 3, 1866.

CORRESPONDENCE WITH THE FRENCH LEGATION.

The Marquis de Montholon to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, September 30, 1865.

Mr. SECRETARY OF STATE: I have the honor to transmit herewith to your excellency copy of a report addressed to the vice-consul of his Majesty at Matamoras, by Captain G. Gautret, of the French merchant ship Le Verrier, shipwrecked on the 4th of February last in front of Bagdad, as also several papers annexed thereto, and which have relation to the pillage of that vessel by federal soldiers.

As you will see, Mr. Secretary of State, by the examination of these documents, Colonel Jones, who commanded the troops of the United States at Brazos Santiago, near the point where the shipwreck took place, had formally authorized Captain Gautret to proceed with saving effects from his vessel. In despite, nevertheless, of this permission, and of the orders which they must have had from their commanders, the federal soldiers had not feared to make attempts on the property and even the life of our countrymen. When the captain and crew of the Le Verrier, who at first had taken refuge on the shore, sought to return on board their ship to attempt to save the cargo, a hail-storm of bullets assailed the boats before they had time to effect any unloading. At the later time, when the sailors of the wrecked vessel attempted to collect the flotsam which the sea cast upon the shore, the federal soldiers, revolver in hand, would come down and take from them by actual force the merchandise they had been able to save, and our unfortunate countrymen were thus despoiled of all they possessed, and even saw carried away the tent which they had borrowed from a merchant of Bagdad for the purpose of sheltering themselves.

His excellency the minister for foreign affairs charges me to call the most serious attention of your excellency to these deplorable facts, and to press upon you that the perpetrators of acts so contrary to the feelings of human nature and to the law of nations should be actively sought for and severely punished.

Mr. Drouyn de Lhuys adds to the note which he has written to me on this subject, that there is every reason to think that the cabinet at Washington will show itself the more ready to receive and notice this claim, in that the colonel, Jones, has himself taken the initiative in an examination of the facts above stated.

In consequence, I would be obliged to your excellency to have the goodness to let me know as soon as may be the sequel which shall be given to this regrettable business.

Accept, Mr. Secretary of State, the assurance of my consideration.

MONTHOLON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Report from Captain G. Gautret.

[Translation.]

On the 4th February, 1865, in accordance with the deliberate opinion of the crew—and not being able to remain on board, so much was the vessel overflowed by the sea—the boats being alongside, I had some instruments put into them; then we left the ship, the national flag being hoisted on the gaff.

Reaching the shore, we encamped abreast of the ship, waiting for daylight. The 4th February, in the morning, I went to make my deposition to the captain of the port of Bagdad, leaving the crew to watch that nothing of what we had saved should be touched. On my return, about two hours afterwards, I found federal troops installed near our encampment. They were numerous. I perceived that valuable instruments had been taken away. Although the sea was heavy, we tried to go on board, as well as another boat from the shore, to try to save what it would be possible to do. We were scarcely alongside when a hail-storm of bullets assailed the boats and forced them to abandon the ship, before they had time to save the least thing. On returning to land we occupied ourselves with gathering the wreck effects and what the sea cast ashore. The federal soldiers, who were watching us, took from us everything, as fast and as soon as they could, notwithstanding the order I had received from Colonel Jones to work at the saving of the vessel and cargo. We tried a second time to go on board, but the sea was so high that the boat capsized, and one of the crew disappeared. The rest of the day and night we were guarded by a squad of federal troops. The next day, 5th February, we made several excursions along shore; the sea was very heavy; we could not get on board. We found some pieces of spars, effects, and articles in the water; we hauled them on the shore, the whole being too heavy to be carried in our arms to the place of our encampment. The weather becoming colder, they sent to us from Bagdad a tarpaulin to set up a tent to put us under shelter, as well as the things saved, which we had been able to keep out of the hands of the federals. The 6th day was not more fortunate; the north wind made the sea very heavy. At night the federals appeared in the greatest number, forced us, revolver in hand, to abandon our encampment, and proceeded to escort us to the shore, almost, of the river Rio Grande; took off during the night our encampment sail-cloth, effects, &c.—in a word, everything we had saved of flotsam. We crossed the river and came to Bagdad, renouncing the hope of saving anything. On the night of the 7th the vessel parted in two. The next day the sea was a little less heavy—would have permitted the saving of the masts and sails—but the federals were drawn up in echellons along the shore; as soon as persons went in the direction of the vessel they took aim at them. It would be impossible to state exactly what the federal soldiers and officers took from me; within our knowledge, there was part of the spars and sails; chronometer, quadrant; two trunks full of effects belonging to the captain, stolen by a federal officer, (with threats;) a sextant; a trunk with effects of the chief mate; the effects of the crew, with all the bedding on board; articles belonging to the ship—a boat, three whole pieces of sail-cloth, six water-casks; all the spare spars, consisting of two mizzen-masts, three top masts; some steering-sail yards; a compass; a tarpaulin of Mr. Cowpers, a merchant of Bagdad.

In testimony whereof I have drawn up this present report, in order to make known in what manner we have been treated by the federal troops at Brazos.

The present is signed by the crew and eye-witnesses.

The captain, G. Gautret; first mate, G. Pradel; crew, Cassel, Gauffery, Pihour, Sorevbier. The cook, not knowing how to write, makes his cross.

Eye-witnesses—Havard, captain of the Gironde; C. Heevult, captain of the Leontine; Berniard, captain of the Turenne; F. Ferranti, of Bagdad.

Certified true copy:

J. J. BRUGIER,
Vice-Consul of France.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, February 26, 1866.

SIR: Referring to your communication of the 30th of September last, in regard to the alleged improper pillage of the wreck of the French merchant ship Le Verrier by United States troops stationed near Bagdad, on the Rio Grande, I have the honor now to enclose for your information a copy of a letter of the 1st instant, and its accompaniments, from the War Department, from which it

appears that the schooner in question was protected by United States soldiers, and that the vessel must have been plundered by parties of insurgents who at that time were encamped in the vicinity of the wreck.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

Mr. Eckert to Mr. Seward.

WAR DEPARTMENT,
Washington City, February 1, 1866.

SIR: I am directed by the Secretary of War to transmit herewith a copy of the report submitted by Major General P. H. Sheridan, commanding the military division of the gulf, in pursuance of the investigation respecting the alleged pillage of the French merchant vessel Le Verrier, requested in your communication of October 4, 1865, enclosing a translation of a note from the Marquis de Montholon upon the subject.

I have the honor to be, sir, your obedient servant,

THOS. T. ECKERT,
Acting Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Proceedings of a military commission, convened in obedience to the following orders:

[Special Order No. 16.—Extract.]

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
ASSISTANT ADJUTANT GENERAL'S OFFICE,
Brownsville, Texas, November 24, 1865.

* * * * *

4. A military commission is hereby constituted to assemble on Monday the 27th day of November, at 11 o'clock a. m., at the headquarters first division 25th army corps, and thereafter at the call of the president of the commission, at such time and place as he shall direct, to investigate and report upon the alleged pillage of the shipwrecked French merchant vessel Le Verrier, in front of Bagdad, Mexico, on the 4th day of February last, and the firing upon her crew by soldiers of the United States stationed at Brazos Santiago.

The commission will use every exertion to make a thorough investigation, and forward their proceedings to these headquarters as early as practicable.

Detail for the commission: Brevet Major General Giles A. Smith, commanding first division 25th army corps; Colonel Thomas Bayley, 9th United States colored troops; Lieutenant Colonel R. G. Morrison, 34th Indiana veteran volunteers; Second Lieutenant A. H. Adams, 35th Wisconsin infantry volunteers.

* * * * *

By command of Major General Weitzel:

D. D. WHEELER,
Assistant Adjutant General.

BROWNSVILLE, TEXAS,
Monday, November 27, 1865—11 a m.

The commission met pursuant to the above order. Present, Brevet Major General Giles A. Smith, commanding first division 25th army corps; Colonel Thomas Bayley, 9th United States colored troops; Lieutenant Colonel R. G. Morrison, 34th Indiana veteran volunteers; Second Lieutenant A. H. Adams, 35th Wisconsin infantry volunteers.

The commission was then duly sworn by the recorder, and the recorder by the president of the commission. After the reading by the recorder of a communication from the honorable William H. Seward, Secretary of State, to the honorable E. M. Stanton, Secretary of War, as also the translation of a report from Captain G. Gautret, of the Le Verrier, and all the papers in relation thereto, the commission adjourned to meet at 10 a. m., November 28, 1865.

NOVEMBER 28, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members. The proceedings of November 27 were read to the commission by the recorder, and approved.

Captain S. C. MONTGOMERY, 34th Indiana veteran volunteers, a witness, was duly sworn.

Question by the recorder. What is your name, rank, and regiment?

Answer. S. C. Montgomery, Captain 34th Indiana veteran volunteer infantry.

Question by the recorder. Where were you on the 4th day of February last?

Answer. Commanding Boca Chica Pass, about three miles from Bagdad.

Question by the recorder. Do you know anything of the wreck of the French merchant vessel Le Verrier, on the beach near the mouth of the Rio Grande river? and if so, state what the particulars were, as far as you know.

Answer. On or about the 4th day of February last, there was a vessel wrecked on our beach, about two miles from my camp, on the American side of the Rio Grande. I frequently passed up the beach near to where this vessel was wrecked, and twice saw boats at the wreck; once while passing on the beach, and once while passing in a skiff. As I approached, the boats that were at the wreck went away toward the fleet of merchant vessels and men-of-war lying off the mouth of the Rio Grande. The wreck was lying on the beach for some ten or fifteen days, and from my quarters I could see, with a glass, boats there at various times, but do not know where these boats went to.

Question by the president. Do you know of the officers or crew of this wrecked vessel coming on shore?

Answer. I do not.

Question by the president. Do you know of any shots being fired by any United States soldiers toward the wrecked vessel, or any of the boats going to or from it?

Answer. I do not.

Question by commission. Do you know of any property being brought on shore from the wreck, by anybody?

Answer. I know of a small piece of sail being taken off a spar that had washed ashore, by soldiers, and used by them for a tent.

Question by the recorder. What orders had you given your men at this time?

Answer. The Boca Chica was between my camp and the wreck, and I had given the men positive orders not to cross the same, unless on duty as escort for the water train or Texan refugees.

Question by the recorder. Was this piece of sail cloth demanded by any person belonging to the wreck?

Answer. It was not; though I gave orders to have it kept whole, as it might be required to be turned over at any time.

Question by the recorder. Did you see any other soldiers than those belonging to your command in that vicinity; and if so, who were they, and to what command did they belong?

Answer. They were details from the 87th and 62d United States colored troops, and the 34th Indiana veteran volunteers, who were sent over to gather wood.

Question by commission. Did you receive any orders at any time from Colonel Jones, commanding at Brazos Santiago, in regard to this wreck?

Answer. I received orders from Colonel Jones some days after the vessel was wrecked, to gather up what cotton came ashore on our beach, and to bring it across the Boca Chica, from there to be taken to Brazos, to be properly disposed of.

Question by the recorder. How much cotton did you gather up under these orders?

Answer. Seventeen bales; yet five of these bales were washed away the same night by a "norther," and were lost; the remaining twelve bales were taken to Brazos.

Question by commission. Was there any other property taken or collected by you, otherwise than the cotton bales, from the wreck or along shore?

Answer. There was not.

Question by commission. Was there any cotton or other property taken by other parties to any other place from the wreck; and if so, to what place?

Answer. I did not see any being taken, but saw where property had been loaded on wagons, and taken toward Bagdad.

Question by commission. Could you judge whether the boats passing to and fro, from the fleet, were loaded: and if so, with what?

Answer. I could not tell whether the boats took anything away, but I saw the men from these boats at work on the wreck.

The testimony read to witness, and found to be correct.

First Lieutenant J. B. RUSH, adjutant 34th Indiana veteran volunteers, a witness, was duly sworn:

Question by the recorder. What is your name, rank, and regiment?

Answer. J. B. Rush, first lieutenant and adjutant 34th Indiana veteran volunteer infantry.

Question by the recorder. At what place were you, and what position did you occupy, on or about the 4th of February last?

Answer. I was at Brazos Santiago, Texas, and was acting assistant adjutant general for Colonel Jones, commanding post.

Question by the recorder. Do you know anything of a French merchant vessel, the Le Verrier, wrecked on our coast near Bagdad, at the time?

Answer. I knew of a French vessel being wrecked at that time, between Boca Chica and Bagdad, on the American side of the Rio Grande.

Question by the recorder. Will you please state, to the best of your ability, all the particulars you know concerning that wreck?

Answer. Captain Fussell, 34th Indiana veteran volunteers, had been sent with a detachment of his regiment, beyond the Boca Chica, to the main land, for the purpose of gathering wood. On his return, he reported to me, as acting assistant adjutant general of the post, that he had found a vessel that had gone ashore, not stating name; that he saw a boat approaching the wreck from toward Bagdad, loaded with men. When the boat came within a short distance from the wreck, the crew shouted, seemingly to Captain Fussell, "Pirates," and requested him to drive them away, which he did by discharging a few shots over their heads. He then left a guard over the wreck, and reported to headquarters of the post for orders. This being reported to Colonel Jones, commanding, he directed the guard to remain, allowing no persons to approach the vessel until further orders. Myself and Post Quartermaster C. H. Dickinson, assistant quartermaster, were directed by Colonel Jones to see if we could go to the wreck, and to ascertain what disposition could be made of the cargo. Arriving at Boca Chica, we met a Frenchman who represented himself to belong to the firm to which the vessel was consigned, residing in Matamoras. I do not recollect his name. He applied to have the guard relieved, and to allow the owners to do their own wrecking. He accompanied us back to Brazos, where I gave, by direction of Colonel Jones, an order to relieve the guard, and to allow the owners to wreck the vessel. He expressed himself pleased with the manner in which Captain Fussell had driven away the small boat, and protected the cargo.

Question by the recorder. Where is Captain Fussell now?

Answer. He has resigned, and lives in Indiana.

Question by the recorder. Was the statement of Captain Fussell, given above, an official report?

Answer. It was; and I have given it as nearly as I can recollect his words.

The testimony read to witness, and found correct.

The commission adjourned to meet at 10 o'clock a. m., 30th instant.

NOVEMBER 30, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members.

The proceedings of November 28 were read to the commission by the recorder, and approved.

The commission adjourned to meet at 10 o'clock a. m., December 2, 1865.

SATURDAY, *December* 2, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members.

The proceedings of November 30 were read to the commission by the recorder, and approved.

Sergeant SAMUEL F. ARNOLD, sergeant 34th Indiana veteran volunteers, a witness, was duly sworn:

Question by the recorder. Where were you on the 4th day of February last?

Answer. I was with a detachment of the 34th Indiana volunteers, sent to gather wood between the Boca Chica and Bagdad.

Question by the recorder. Do you know anything of the wreck of a French merchant vessel, Le Verrier, near the mouth of the Rio Grande, at that time? and if so, state what you know of the circumstances.

Answer. I know of three boats having beached between the mouth of the Rio Grande and Boca Chica, on the American side. One of the boats was got off, still leaving two. As we came near the wreck of the largest vessel the detachment of the 62d United States colored troops was in advance of our detachment. Captain Fussell, commanding, had a squad in advance, and when I came up he had stationed a guard around the boats. I asked him what that was for. He replied that the captain of the wrecked vessel had stated to him that men from Bagdad were trying to get on the vessel, and this guard was to protect against it, being placed by request of the captain of the wrecked vessel; he then ordered me to commence gathering my wood along the beach.

Question by commission. Do you know of any firing; and if so, by whose orders?

Answer. There was no firing after I arrived, but I heard firing before I reached the vessel first.

Question by commission. Did you learn the cause of this firing; and if so, by whom was it done, and how did it occur?

Answer. Captain Fussell stated to me on my arrival that it was to prevent pirates from coming to the wrecked vessel, and that it was done by request of the captain of the wrecked vessel.

Question by commission. Were the captain and crew of the wrecked vessel on shore at the time of your arrival?

Answer. They were.

Question by commission. Did you see or know of any property having been brought ashore by the crew?

Answer. I did not.

Question by the recorder. Are there any of the guards placed by Captain Fussell around the vessel now in your company?

Answer. There are none to be found; as well as I can learn they were one-year recruits, and have been discharged.

Question by commission. Did you see any boat from any quarter passing to and fro from the wrecked vessel?

Answer. I saw eight or ten small boats apparently hovering around the wreck to see what could be picked up from it, and coming from towards Bagdad.

Question by commission. Do you know of any instruments or effects belonging to the wrecked vessel being brought into your regiment, or the command at Brazos?

Answer. While gathering wood I saw a trunk floating about a mile below the wreck, which was taken from the water by one of the men of my party. It was taken to camp and found to contain a linen coat and pants, a few white shirts, and other articles of summer apparel.

Question by commission. Were there any officers or men of the wrecked vessel at or near the place where this trunk was picked up?

Answer. I did not see any.

Question by commission. Do you know of this trunk coming originally from the wrecked vessel?

Answer. I do not.

Question by commission. Was this trunk demanded by the officers or crew of the wrecked or any other vessel?

Answer. Not to my knowledge.

Question by commission. Would you as a sergeant, with your opportunities of mixing and talking with the men of your regiment, be likely to know if any valuable instruments, or other property belonging to this vessel, had been brought into your camp?

Answer. I do not think, if such property had been brought in, that the information would have been given to the non-commissioned officers.

Question by commission. Do you know of any instruments belonging to the wrecked vessel being brought into camp, or any other valuable property, aside from the trunk?

Answer. I do not.

Question by commission. Who held the ground between the Boca Chica and Bagdad?

Answer. Our lines extended only to Boca Chica; from there to Bagdad was in possession of the confederates.

Question by commission. Was there any communication between Boca Chica and Bagdad other than by armed parties?

Answer. Not to my knowledge.

Question by commission. Were you frequently out on duty gathering wood, or as escort?

Answer. I was.

Question by commission. What were your orders while on such duty?

Answer. To be careful about being surprised by the rebels; when advancing we always had skirmishers in the front, and when halted for a time had out pickets.

Question by commission. Was that considered necessary on account of the nearness of the enemy?

Answer. It was.

The testimony read to witness and found correct.

The commission adjourned to meet at ten o'clock a. m., December 4, 1865.

MONDAY, *December* 4, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members.

The proceedings of December 2 were read to the commission by the recorder and approved.

First Lieutenant J. B. RUSH, adjutant 34th Indiana veteran volunteers, recalled:

Question by the recorder. State the position of our army at Brazos, and how far towards Clarksville our lines extended.

Answer. The whole army in Texas was encamped at Brazos; our lines extended only to the Boca Chica, which is three or three and a half miles from Clarksville.

Question by the recorder. Was the ground from Boca Chica to Clarksville held by the confederates?

Answer. It was; and when wishing to communicate with Clarksville it was done by armed parties, who frequently had skirmishes with the enemy.

Question by the recorder. How far from the encampment at Boca Chica was the nearest encampment of the confederates?

Answer. About four miles.

Question by the recorder. Was it on the beach of this disputed territory that this French vessel was wrecked?

Answer. It was.

Question by the recorder. Do you know of any property, brought ashore by the crew of this vessel, being taken by our officers or soldiers and brought to camp?

Answer. I do not.

Question by the recorder. What was Captain Fussell's reputation as a cautious and reliable officer?

Answer He was an excellent officer; a Quaker, and scrupulously conscientious in the execution of every duty.

Captain S. C. MONTGOMERY, 34th Indiana veteran volunteers, recalled:

Question by the recorder. You were in command of the advanced guards at the Boca Chica?

Answer. I was.

Question by the recorder. By whom was the ground held between the Boca Chica and Clarksville?

Answer. It was an intermediate space between our lines and the confederates.

Question by the recorder. Was this intermediate ground frequented by confederate soldiers?

Answer. It was.

Question by the recorder. Could they come as near your lines as the wrecked vessel?

Answer They could, and we have had skirmishes with them even nearer.

Question by the recorder. How is Clarksville situated with reference to Bagdad?

Answer. Bagdad is on the Mexican side of the Rio Grande, at its mouth. Clarksville is immediately opposite, on the American side of the river.

Question by commission. Were all detachments sent across the Boca Chica obliged to cross at your camp?

Answer. They were.

Question by commission. Have you read the statement of Captain G. Gautret and crew to the consul at Matamoras?

Answer. I have.

Question by commission. Do you know of any of the alleged outrages contained therein being true?

Answer. I do not.

Question by the recorder. Do you know of, or did you hear of, any firing on the wreck, or any boats passing there, subsequent to the firing by Captain Fussell on the 4th instant?

Answer. I do not know and did not hear of any.

Question by the recorder. Could the amount of valuable property reported by Captain Gautret to have been taken by United States soldiers have been carried across the Boca Chica and by your camp without your knowledge?

Answer. I do not think it could. All the crossing of the Boca Chica was by the ferry, over which I always kept a guard.

First Lieutenant JAMES E. KELLY, 34th Indiana veteran volunteers, a witness, was duly sworn:

Question by the recorder. What is your name, rank, and regiment?

Answer. James E. Kelly, first lieutenant, 34th Indiana veteran volunteers.

Question by the recorder. Where were you on the 6th day of February last?

Answer. At the Boca Chica, with Captain Montgomery, who was commanding the guard there.

Question by the recorder. Do you know to what arm of the service the confederates belonged that were camped about four miles from the camp at the Boca Chica?

Answer. They were cavalry.

Question by the recorder. Could this confederate cavalry come near the wreck without hindrance?

Answer. Very easily.

Question by commission. Captain Gautret states that, on the night of the 6th instant, the federal soldiers, "revolver in hand," forced him to leave his encampment. Would not such an armed party more naturally be supposed to come from the confederate cavalry than from the United States soldiers, who were not so armed?

Answer. It would. Many of the confederates were dressed in federal uniforms.

Question by commission. Under these circumstances, would not these confederates have been mistaken for federals, especially by a foreigner?

Answer. They might easily, as I had been mistaken myself in a squad of them only a few days previous.

The testimony was read to the witness and found correct.

The commission adjourned to meet Wednesday, December 6, 1865.

WEDNESDAY, *December* 6, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members.

The proceedings of December 4 were read to the commission by the recorder, and approved.

JOHN S. SILVER, private, company C, 34th Indiana veteran volunteers, a witness, was duly sworn:

Question by the recorder. What is your name, rank, company, and regiment?

Answer John S. Silver, private, company C, 34th Indiana veteran volunteers.

Question by the recorder. Where were you on the 4th day of last February?

Answer. With a squad of men sent to gather wood beyond the Boca Chica.

Question by the recorder. Were you present or near when Captain Fussell fired a volley? and if so, state upon what the fire was directed.

Answer. I was near at the time, and the fire was directed upon a lighter near the wrecked vessel.

Question by the recorder. Towards what point did the lighter proceed?

Answer. Toward the fleet.

Question by the recorder. How was the lighter situated in regard to the wrecked vessel, and boats proceeding thereto, when the firing took place?

Answer. Directly in line.

Question by the recorder. Might not straggling shots have hit the vessel or boats passing thereto from the shore?

Answer. They might.

Question by the recorder. Did you see or hear of any ship's instruments being brought ashore at any time?

Answer. I did not.

The testimony read to witness and found correct.

The commission adjourned to meet at 10 o'clock a. m. Saturday, 9th instant.

SATURDAY, *December* 9, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members.

E. MARTELLI, a resident of Matamoras, Mexico, a witness, was duly sworn:

Question by the recorder. What is your name and business?

Answer. E. Martelli, merchant, one of the firm of V. Prestat & Co., Matamoras, Mexico.

Question by the recorder. Where were you on the 4th day of February last?

Answer. I was at Brazos, the captain of the Le Verrier having sent for me to come down the day previous to see about the wreck.

Question by the recorder. What connection did you have with this vessel, or why were you sent for by the captain?

Answer. I was consignee of the vessel.

Question by the recorder. In what condition did you find the vessel? and state particulars as far as possible.

Answer. When I arrived the vessel was a wreck, and was in possession of a squad of federal troops, who said they were placed there to guard the vessel from being plundered. I then went immediately to Brazos to see Colonel Jones about getting an order to deliver the vessel to the owners, to do their own wrecking, which order was granted. So I took the order and showed it to the sergeant of the guard over the wreck, who said it was all right, and he would tell the officer of the guard. I then carried the order to Bagdad, to the firm of Eloseggi & Majoral, who were to do the wrecking, after which I know nothing further than what I heard by reports.

Question by recorder. From what port was this vessel cleared?

Answer. From New Orleans: but at the time of the wreck was loading at Bagdad for Liverpool, being anchored outside the bar.

Question by the recorder. Did you see or hear of any ship's instruments being brought ashore or on shore while you were at the wreck?

Answer. I did not. All that was on shore was a few articles belonging to the crew.

The testimony read to witness, and found correct.

The commission adjourned to meet at 10 o'clock a. m. Wednesday, the 13th instant.

WEDNESDAY, *December* 13, 1865—10 a. m.

The commission met pursuant to adjournment. Present, all the members.

The proceedings of December 6 and December 9 were read to the commission by the recorder, and approved.

There being no further evidence obtainable that, in the opinion of this commission, would aid them in arriving at the facts in the case, they, after maturely deliberating upon the evidence adduced, make the following report:

The commission have had great difficulty in obtaining any evidence bearing on this case.

The regiments stationed at Brazos Santiago, at the time of the alleged pillaging, &c., of this wrecked vessel, were the 34th Indiana veteran volunteers, the 62d and 87th United States colored troops. The former is the only one now present, the 62d United States colored troops being stationed at Fort McIntosh, seven hundred miles above here, and the 87th having been mustered out of service. It does not appear from evidence adduced that there was any other firing than was desired by the captain and crew of the wrecked vessel to drive off "pillagers," there being several boats hovering around the wreck, and it is possible that a few straggling shots might have come near the captain, proceeding thereto in a boat, they all being directly in line with the fire.

The character of Captain Fussell precludes any other opinion, and that if, as is alleged by the captain's statement, there was any plundering done on the night of the 6th instant by soldiers, "revolver in hand," it might more likely have been done by confederate cavalry, who frequented the locality, many of whom were dressed in the federal uniform, and armed

with revolvers, the federal troops not being so armed. The camps of both federals and confederates were equally distant from the wreck.

The commission are also unable to discover from evidence on both sides that there was any other property brought ashore than what had floated along the shore, of little value.

The French vice-consul at Matamoras, having been timely notified that if he had any witnesses whose testimony would bear upon the case, or any other evidence he wished to submit to the commission, he would have an opportunity of doing so, he only sent Mr. E. Martelli, whose evidence appears in the proceedings.

The commission have allowed great latitude in both questions and answers, with the hope of eliciting information whereby some evidence more to the facts in the case might be obtained, but in vain. They are thus compelled to report upon what has been produced.

There being no further business the commission adjourned *sine die*.

GILES A. SMITH,
Brevet Major General U. S. Vols., President.
ARCH. H. ADAMS,
Second Lieutenant 35th Wisconsin Inf. Vols., Recorder.

HEADQUARTERS DISTRICT RIO GRANDE,
Brownsville, Texas, December 21, 1865.

The proceedings and report of the military commission, hereto attached, convened for the purpose of investigating the alleged pillaging of the shipwrecked merchant vessel Le Verrier, and the firing upon her crew, are approved and respectfully forwarded.

G. WEITZEL,
Major General Commanding.

HEADQUARTERS FIRST DIVISION TWENTY-FIFTH ARMY CORPS,
Brownsville, Texas, December 18, 1865.

SIR: I have the honor to transmit herewith proceedings of a military commission, convened by special orders No. 16, headquarters district of the Rio Grande, dated Brownsville, Texas, November 24, 1865, together with the papers accompanying such order.

I have the honor to be, very respectfully, your obedient servant,

GILES A. SMITH, *Major General.*

Lieutenant Colonel D. D. WHEELER.
Assistant Adjutant General.

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Brownsville, Texas, December 23, 1865.

MAJOR: I have the honor to enclose herewith, in compliance with indorsement from headquarters military division of the gulf, dated October 21, 1865, the proceedings of a board, appointed in obedience to the above indorsement, to investigate the case of the alleged pillage of the shipwrecked French merchant vessel Le Verrier, and the firing upon her crew by soldiers of the United States, in February last, off Bagdad, Mexico.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

Major GEORGE LEE, *Assistant Adjutant General*
Military Division of the Gulf, New Orleans, La.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF TEXAS,
Galveston, January 3, 1866.

Respectfully forwarded with report of the commission which investigated the case. The original papers are also herewith.

H. G. WRIGHT,
Major General Commanding.

HEADQUARTERS MILITARY DIVISION OF THE GULF,
New Orleans, La., January 15, 1866.

Respectfully returned to the Secretary of War with accompanying report of a military commission appointed to investigate this case.

It appears that the schooner Le Verrier was protected by United States troops and robbed by those of the so-called Confederate States.

P. H. SHERIDAN,
Major General Commanding.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, March 22, 1866.

SIR: Referring to your communication of the 23d of November last, and to my reply of the 5th of December, relative to the case of the Senorita, I have the honor to inform you that I have now been made acquainted, by the War Department, with the result of an investigation made by a military commission under its authority, with the circumstances attending the capture by the Mexican General Cortinas in the month of June, 1865, of the Mexican steamer Senorita and her cargo, comprising thirty-five bales of cotton claimed by Messrs. L. Mulor & Co., a French commercial house doing business at Matamoras.

It does not appear that any American soldier or citizen was a party to the capture, or that there is any ground for preferring a claim against the United States in respect thereto, except the alleged fact that the bands of Cortinas availed themselves of the disturbed state of the frontier of Texas to outrage our sovereignty by using the shelter of United States territory in making or securing the capture. Where a prize has been made within the jurisdiction of the United States by one belligerent, of the vessel of another, or when a vessel fitted out within the United States has had the temerity to bring her prize, though taken upon the high seas, within our jurisdiction, you are aware that it has been the practice of our courts of admiralty to decree a restitution upon the claim of the owner.

If, therefore, the cotton of Messrs. Mulor & Co. remained in specie within the United States, the remedy of the claimants was and is through an appeal to the courts of admiralty or of common law. If, coming into military possession, it may have been sold and the proceeds brought for custody into the treasury of the United States, the act of Congress, of which you have been informed by a copy of an opinion of the Attorney General heretofore communicated to you, has provided the proper remedy in the Court of Claims.

To one of these tribunals it will belong to determine whether the circumstances were such as to bring the case within the rule above referred to.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, April 25, 1866.

SIR: Having submitted to the President the copy of the despatch of Mr. Drouyn de Lhuys of the 5th of April, with which you favored me on the 21st instant, I have now to give you the views of this government thereupon.

It is with very great satisfaction that I find that the two governments of the United States and France have come to an agreement in regard to the present military intervention of France in Mexico.

This agreement I understand to be of the effect following, viz: The French military forces in Mexico will be withdrawn from that country in three separate detachments; the one to leave in November next, and the two others to leave in March and November, 1867.

On our part all the sentiments heretofore expressed concerning the principle of non-intervention are now with cheerfulness reaffirmed. I reciprocate cordially on behalf of the United States the desire and the hope upon which Mr. Drouyn de Lhuys so pleasantly dwells of a cordial renewal of the traditional

friendship which constitutes an important element of the life of the American people, and which, while it is full of promise to the progress of civilization, is at the same time so highly honorable to the intelligence and love of freedom of both nations.

I am well aware that so large an army as that which the French Emperor now has in Mexico could not be conveniently withdrawn in a day, or in a few days, or all at once.

I can also apprehend, as I think, that it might not be altogether expedient for the French government to designate in advance the proportions which may be expected to be given to the several detachments respectively on their embarcation. On the other hand, I think it due to the frankness and sincerity which is required by the occasion to suggest that the continuance of the intervention during the period limited will necessarily be regarded with concern and apprehension by the masses of our people, and perhaps by Congress.

Under these circumstances our army of observation must also be continued in some proportion on the southern bank of the Rio Grande. This situation will be not altogether conformable with our national sentiments and habits. Moreover, no one can certainly reckon upon the exercise of so much prudence on the part of commanders and forces confronting each other across a boundary, as to remove all fear of unpremeditated disturbances and collisions. Therefore, the more promptly the intervention shall be brought to an end, the sooner and the more complete will be the return of the cordial good feelings which both governments so earnestly desire.

It seems to me not improbable that France, having determined upon the complete withdrawal of her forces from Mexico within the term of seventeen months, may hereafter find it convenient and consistent with her interest and honor even to abridge that term. Should this expectation be realized, it is not doubted that the Emperor will be as highly gratified as the United States with the new situation.

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, June 7, 1866.

SIR: I have the honor to enclose for your information a copy of a communication of the 30th ultimo, from the War Department, in regard to the case of the French merchant vessel Le Verrier, which formed the subject of your note of the 30th of September, 1865.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

Mr. Eckert to Mr. Seward.

WAR DEPARTMENT,
Washington City, May 30, 1866.

SIR: I am directed by the Secretary of War to transmit herewith a copy of an additional report from Major General Sheridan, relative to the case of the French merchant vessel Le Verrier, with reference to which a copy of a former report made by him in pursuance of an investigation, requested at the instance of the French minister in your communication of October 4, 1865, was forwarded to you from the War Department, on the 1st of February last.

I have the honor to be, sir, your obedient servant,

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

HEADQUARTERS MILITARY DIVISION OF THE GULF,
New Orleans, La., February 10, 1866.

Respectfully forwarded to the Adjutant General of the army, in connection with report of military commission appointed to investigate the case, forwarded from these headquarters January 15, 1866.

In the absence of the major general commanding, and by his order:

GEORGE L. HARTSUFF,
Brevet Colonel and Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF TEXAS,
Galveston, February 5, 1866.

Respectfully forwarded to headquarters military division of the gulf, for consideration, in connection with previous papers relative to the same matter.

In absence of the major general commanding.

E. H. WHITTLESEY,
Brevet Colonel and Assistant Adjutant General.

HEADQUARTERS DISTRICT RIO GRANDE,
Brownsville, Texas, January 22, 1866.

Respectfully forwarded.

G. WEITZEL,
Major General Commanding.

HEADQUARTERS FIRST DIVISION TWENTY-FIFTH ARMY CORPS,
Brownsville, Texas, January 20, 1866.

SIR: In answer to a communication addressed to Colonel Barrett, sixty-second United States colored troops, commanding at Ringgold barracks, in reference to the alleged pillage of the French merchant vessel Le Verrier, I have received the enclosed affidavit of Captain Looby, of his regiment, which I have the honor to forward as supplementary evidence in that case.

I have the honor to be, very respectfully, your obedient servant,

GILES A. SMITH,
Major General Commanding.

Colonel D. D. WHEELER, *A. A. General.*

RINGGOLD BARRACKS, TEXAS,
January 8, 1866.

GENERAL: I have the honor to submit the following facts in reference to the French bark Le Verrier, which was wrecked on the coast of Texas on or about the 4th of February, 1865.

On the morning of the 28th of January, 1865, I was ordered by Major J. K. Hackon, commanding the sixty-second regiment United States colored infantry, then stationed at Brazos Santiago, to proceed across Boca Chica Pass on to the mainland, in command of a detachment of the sixty-second United States colored infantry, consisting of forty (40) enlisted men, accompanied by two (2) six-mule teams, for the purpose of gathering firewood for the regiment.

On the morning of February 4, 1865, I started down the beach towards the mouth of the Rio Grande. The morning was quite foggy, so that I could not see far ahead. After I had marched some two and a half miles the fog cleared away, and I saw a large crowd, perhaps half a mile ahead; also a vessel with all sails set, a short distance from the shore. I approached cautiously, not knowing but that they were rebels, but as soon as they discovered my approach the greater portion of them commenced moving in the direction of Clarksville.

When I arrived opposite the vessel, I found the captain and crew lying in front of a fire on the beach, all of whom were in a beastly state of intoxication, except the captain and one or two of the sailors.

They were all French. The captain, alone, could speak English, and he but very little; sufficient, however, to enable me to understand him. I asked him how he came on the shore with his vessel, to which he replied, "that the bark was anchored at the mouth of the Rio Grande, taking on a cargo of cotton; and that during a heavy gale last night the ship slipped her cable and was blown ashore, notwithstanding we did everything in our power to keep her off. As soon as she struck, we got into those two small boats, (pointing to them,) and succeeded in getting ashore."

He informed me that there were four pirates aboard of his ship, taking his valuables, and requested me to order or get them off the best way I could. I asked him if he knew who

they were, or where they came from. He informed me that they came from Bagdad, Mexico; he thought they came in a small boat from the direction of Bagdad, and said that there were a great many bad men there.

I ordered them off from the ship repeatedly, but they paid no attention to me whatever. I deployed my men as skirmishers along the shore, with instructions to fire on the men when they got into their boat, if they attempted to go to sea. I then gave the command "ready." When the men on board the ship saw this, they got into their boat and started towards shore; in a moment afterwards they turned their boat and commenced rowing out to sea. I ordered my men to fire. After some forty shots the firing ceased, as they had got out of reach. I was told the following day that the men belonged to Bagdad, Mexico, and that one of them was shot through the leg; also, that they had sworn that if they ever found me in Bagdad they would kill me. This I learned from a man from Bagdad, who was going to Brazos Santiago.

The captain seemed to be very angry because they had got away, and seemed to think that I ought to have captured them.

The vessel was about 150 yards from shore, and the waves were washing over her.

I placed a guard over the vessel, and sent a messenger to notify Colonel Jones, thirty-fourth regiment Indiana veteran volunteers, then commanding the forces at Brazos Santiago, and asking him for instructions. The messenger returned during the day with orders from Colonel Jones to keep a guard over her until I heard from him again.

The captain sent four of the sailors (two of whom were those referred to as being sober) in one of the small boats to get some provisions from the vessel; also to bring off his papers, chronometer, &c., but the other two being so drunk the boat could not be well managed, and the consequence was it capsized and the latter were drowned, while the former, being sober, swam ashore.

The morning of the 5th of February, 1865, two gentlemen came to me and represented themselves as the owners of the bark and cargo. They informed me that they resided in Matamoras, Mexico, and expressed a desire to take possession of the vessel. I referred the gentlemen to Colonel Jones, but they insisted on my turning the ship over to them, and asked me if I could not be induced to do so, and offered to pay me, but I informed them that I could not receive any pay, and told them it was useless to talk further about the matter, and they must, therefore, go and see Colonel Jones. One of these men, I was reliably informed afterwards, was the wreck-master of Bagdad, Mexico. Went to Brazos that day, and I received orders from Colonel Jones to relieve my guard. What arrangement was made in reference to the vessel, I am unable to say.

I regret exceedingly to say that the order I received was but verbal, brought to me by a messenger from Colonel Jones.

On the morning of the 5th, the captain and crew went to Bagdad, Mexico, and the boat that was left was taken around into the Rio Grande. I was informed by an old ferryman at Clarksville that it belonged to the "French bark which was wrecked on the beach below there," referring to the same vessel which I had in my charge.

I saw no more of the captain and crew after they went to Bagdad.

As soon as the boats were taken away there was no chance for any person to go on board the ship; and as I was with my party at all times, I am sure that none of them went on the ship, and indeed I do not think that they could be induced to have gone on board of her, even if there had been a boat there.

On the 7th, I recrossed and returned to camp.

The vessel lay where she struck until she was broken to pieces by the waves. Some of the cotton was found on the beach along the island, but I understood that the greater portion of the cargo washed ashore near the mouth of the Rio Grande, and was taken into Mexico.

I am, general, very respectfully, your obedient servant,

JOHN H. LOOBY,
Captain Sixty-second U. S. Colored Infantry.

Major General GILES A. SMITH,
Com'dg First Division Twenty-fifth Army Corps,
Brownsville, Texas.

Sworn to and subscribed before me, this 8th day of January, 1866.

T. C. BARDEN
Captain One Hundred and Seventeenth U. S. C. T., Judge Advocate.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, August 16, 1866.

SIR: I have the honor to call your attention to two orders or decrees which purport to have been made on the 26th of July last, by Prince Maximilian, who

claims to be emperor in Mexico, in which he declares that he has committed the direction of the department of war in that country to General Osmont, chief of the staff of the French expeditionary corps; and that he has committed the direction of the department of the treasury to Mr. Friaut, intendant-in-chief of the same corps.

The President thinks it proper that the Emperor of France should be informed that the assumption of administrative functions at this time by the aforenamed officers of the French expeditionary corps under the authority of the Prince Maximilian is not unlikely to be injurious to good relations between the United States and France, because it is liable to be regarded by the Congress and people of the United States as indicating a course of proceeding on the part of France incongruous with the engagement which has been made for the withdrawal of the French expeditionary corps from that country.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

MARQUIS DE MONTHOLON, &c., &c., &c.

[Translation.]

MAXIMILIAN, EMPEROR OF MEXICO.

In consideration of the merits, combined with the qualifications, of General Osmont, chief of the staff of the expeditionary corps, we have thought proper to commit to him the direction of the department of war.

Given at Mexico the 26th July, 1866.

MAXIMILIAN.

By the Emperor:
JOSÉ SALAZAR YLARREQUI,
Minister of the Interior.

MAXIMILIAN, EMPEROR OF MEXICO.

In consideration of the merits, combined with the qualifications, of Mr. Friaut, intendant-in-chief of the expeditionary corps, we have thought proper to commit to him the direction of the department of the treasury.

Given at Mexico the 26th July, 1866.

MAXIMILIAN.

By the Emperor:
JOSÉ SALAZAR YLARREQUI,
Minister of the Interior.

The Marquis de Montholon to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, September 28, 1866.

SIR: The principal maritime powers have for a long time been engaged in the thought of establishing a system of international signals which could be universally applied to all navies in the world.

In 1864 the governments of France and of Great Britain resolved to agree, in the general interest of commerce and navigation, to examine in common the different codes of signals existing at that time, and to determine which among them should appear to include the elements of a system the most advantageous, and most proper to be employed as the universal maritime language for the use of vessels of all nations. A commission composed of delegates of the two countries has been intrusted with this case. The code which it thought proper to adopt

as a basis has undergone important modifications; in fine, it has introduced such ameliorations that it has acquired, as the means of international communication, a value and authority to which no other code of maritime signals can pretend.

This revised code has been published simultaneously in Paris and London.

The governments of the two countries have ordered its use on board their ships of war, and have employed all means in their power to facilitate its adoption, as well on board merchant vessels as at signal stations.

The governments of France and of Great Britain desiring, moreover, to induce all the maritime powers to participate in the advantages of a uniform system, his excellency, the minister of foreign affairs of France, has charged me to transmit to the government of the United States a copy of the French signal-book. I have the honor to send it to you herewith, Mr. Secretary of State, and in requesting permission to call your serious attention to a subject of such high importance to the maritime interests of all nations, I will add that for the purpose of assuring to all states the benefits of the new system of signals, and to sustain its essentially international character, the governments of France and Great Britain have agreed mutually to adopt, and to recommend to the adoption by other governments who shall give adhesion thereto, the following regulations:

1st. Each government giving its adhesion will engage to make this code public; will exercise over the work of publication such control as to secure the certainty that the signals and their significations are exactly the same as those of the French and English editions; will interdict the publication of any edition which shall not have been recognized by the competent administration as perfectly exact and in conformity with the French and English text.

2d. Each government will prepare and publish an official list of the vessels of war and merchant ships of its nation, and will apply to each of them one of the signals expressly reserved in the code as distinctive signals of the names of the vessels. It will, besides, be desirable to adopt the form of these lists to such as has been decided upon by France and Great Britain.

In closing this communication, I will only add that I will thank your excellency to be so good as to let me know the manner in which the American government looks upon this question, and whether the United States are disposed to adhere to the new commercial code of signals adopted by France and Great Britain.

Accept, Mr. Secretary of State, the assurances of my high consideration

MONTHOLON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

The Marquis de Montholon to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, October 3, 1866.

SIR: I have the honor to address herewith to your excellency the text of a new law adopted the 14th of July last by the French legislative body about the rights of heirs and of those having claim on authors, composers, or artists.

As your excellency will observe, this new legislation, which extends to fifty years after the decease of the author the rights of his heirs, admits to the benefit of its previous foreign writers and artists to the extent determined by treaties about literary and artistic property.

Accept, sir, the assurance of my very high consideration.

MONTHOLON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

No. 14,407.—*The rights of heirs and those having claims on authors, July* 14, 1866.

Napoleon, by the grace of God and the will of the nation Emperor of the French, to all present and to come, greeting: We have sanctioned and do sanction, promulgated and do promulgate, as follows:

LAW.

Extract from the minutes of the legislative body.

The legislative body has adopted the draught of law of the tenor following:

ARTICLE 1. The duration of the rights granted by anterior laws to the heirs, irregular successors, grantees or legatees of authors, composers or artists, is extended to fifty years, dating from the decease of the author.

During this period of fifty years the surviving husband or wife, whatever may be the matrimonial arrangement, and independently of rights which may result in favor of this survivor from the regulations of the community, has sole enjoyment of the rights which the deceased author has not disposed of by contract between parties in being, or by will. However, if the author leave heirs in reserve, that enjoyment is limited for the benefit of such heirs, according to the proportions and distinctions established by Articles 913 and 915 of the Code Napoleon.

This enjoyment does not take place where there exists, at the moment of death, a separation of persons pronounced against this surviving party; it ceases in the case where the survivor contracts a new marriage.

The rights of heirs in remainder, (reserve,) or of other heirs or successors, during this period of fifty years, remains, moreover, regulated in conformity with the prescriptions of the Code Napoleon.

When the succession devolves to the state, the exclusive right is extinguished, without prejudice to the rights of creditors and the execution of agreements of cession which may have been consented to by the author or his representatives.

ART. 2. All the provisions of anterior laws contrary to those of the new law are and remain abrogated.

Passed upon in open session at Paris June 27, 1866.

The President, WALEWSKI.

Secretaries: SEVOVIN ABBATUERI,
COUNT W. DE LA VALETTE,
ALFRED DARIMON.

Extract from the minutes of the Senate.

The senate does not oppose the promulgation of the law relative to the rights of heirs, irregular successors, grantees or legatees of authors, composers, or artists.

Passed upon and voted in session at the palace of the Senate July 6, 1866.

The President, TROPLENY.

The secretaries: FERDINAND BARROT,
COUNT BOULAY (DE LA MEURTHE,)
General, BARON CHARON.

Examined and sealed with the seal of the senate.

The Senator and Secretary, FERDINAND BARROT.

We command and order that these presents, clothed with the seal of state and inserted in the bulletin of the laws, be addressed to the courts, the tribunals, and administrative authorities, that they be inscribed on their records, and observed and caused to be observed; and our minister of state for the department of justice and religion is charged to supervise the publication thereof.

Done at the palace of the Tuileries the 14th July, 1866.

By the Emperor:

NAPOLEON.

Secretary of State, E. ROUHER.

Sealed with the great seal.

Keeper of the Seals, Minister of State for the Departments of Justice and Religion:

J. BAROCHE.

The Marquis de Montholon to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, October 13, 1866.

Mr. SECRETARY: I have the honor to transmit herewith to your excellency, by instructions from the government of the Emperor, a copy of the law of the merchant service, published in France on the 16th of May, 1866.

By the terms of that act, after the 1st of January, 1867, all foreign vessels shall pay no tonnage dues in France, and after the 19th of May, 1869, all differential tax on flags, when covering produce from its native country, shall be definitely abolished.

These regulations will have the effect of placing the United States on a perfect equality in the ports of the empire with the French marine.

I will not dwell upon the mutual advantages this new regulation will give to the commercial relations of the two countries, and I do not hesitate to believe that this single consideration will be sufficient to induce the government of the United States to grant French ships in America the same privileges that American ships will have in France.

I must, however, observe that the power reserved to the government of the Emperor by article six of the law of the 19th May, to continue the tonnage duty and differential flag tax on vessels belonging to countries where our vessels are not treated as their own, will make it an interest to the United States to take similar measures to those whose principles are inculcated in the new law.

While American vessels are still subject to common duties in our ports, if they continued the same dues and taxes, they would hereafter labor under a signal disadvantage.

For these reasons the French minister of foreign affairs, in charging me to notify your excellency officially of the text of the law of the 19th May, 1866, is sure the American government will imitate the liberal measures taken in this respect by the government of the Emperor, and grant all French ships, as the principles and precedents of American legislation allow, the benefit of a perfect equalization of flags, as soon as ships of the United States shall enjoy the benefits of the new law in our ports.

I will be obliged to your excellency to let me know, as soon as possible, if the government of the United States is disposed to accord the benefit of reciprocity to the French flag in the ports of the United States.

Accept, Mr. Secretary, the assurances of my high consideration.

MONTHOLON.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

[Translation.]

Law relating to the merchant marine, May 19, 1866.

ARTICLE 1. All articles, raw or manufactured, fire engines, and pieces of machinery entering into the construction, rigging, armament, and equipment of sea-going vessels intended for commerce, wooden or iron, for sailing or steam power, shall be admitted free of duty, under liability to prove within the period of one year the application of said articles to the purposes above provided for.

Imperial decrees will determine the proofs and conditions to which this immunity shall be made subordinate.

Every infraction of the provisions of these decrees will make room for the payment of the duties for which the articles above mentioned are or shall be liable, and will, moreover, be punishable by fine equal to three times the amount of the duties.

ART. 2. The bounty granted by articles 1 and 2 of the law of May 6, 1841, to fire engines of French fabric to be placed on board national ships intended for international maritime navigation, is, and remains, suppressed.

However, the said bounty shall continue to be paid on equipage the deposit whereof in the building yards previously to the promulgation of this present law shall be duly proven.

ART. 3. Six months after the promulgation of this present law sea-going vessels, sailers or steamers, rigged and equipped, shall be admitted to the franchise upon the payment of a duty of two francs on the ton of measurement. The same duty shall be applicable to hulls of vessels of wood or iron.

ART. 4. The tonnage duties levied on foreign vessels entering the ports of the empire shall be suppressed at and from January 1, 1867. The tonnage duties actually collected, as well on French as on foreign vessels, and applied as guarantee for the payment of loans contracted for works of improvement in French seaports, are maintained.

Imperial decrees, made in the form of regulations for general administration, may, in view of contributing to expenses of the same kind, establish a tonnage duty which shall not exceed two francs and fifty centimes per ton, decimal included, and which shall bear alike on French and foreign vessels.

ART. 5. Three years after the promulgation of this law the differential duties on the flag, now applicable on products imported from the countries of production otherwise than in French vessels, shall be suppressed.

ART. 6. In case the French flag should be, in any foreign country, subjected, to the profit of the government, of cities, of corporations, directly or indirectly, for the navigation, importation, or exportation of merchandise, to any duties or charges from which vessels of said country would be exempt, imperial decrees may impose on vessels of the said nation entering the ports of the empire, of a colony, or of a French possession, and on the merchandise they may have on board, such duties or surcharges as should be judged necessary to compensate the disadvantages which would fall upon the French flag.

ART. 7. The preceding provisions are applicable to the colonies of Martinique, of Guadeloupe, and of Reunion.

Special provisions for Algeria.

ART. 8. The provisions of articles 1, 3, and 4 of this law are applicable in Algeria.

ART. 9. Navigation between France and Algeria, and between Algeria and foreign ports, may be carried on under all flags.

The coasting trade from port to port of this French possession may, under an authorization from the governor general of Algeria, be carried on by foreign vessels.

ART. 10. The surcharges in navigation established in Algeria on merchandise imported in foreign vessels are suppressed.

The reduction of duties granted by article 9, paragraph 2, of the ordinance of December 16, 1853, on certain merchandise taken from French entrepots and exported to Algeria in French vessels, are also suppressed.

ART. 11. The prohibition placed upon refined sugars imported from foreign places to Algeria is removed. Said refined sugars shall pay, besides the duty on raw sugar, a surcharge of five francs per hundred kilograms.

ART. 12. The laws, decrees, and ordinances which would be contrary to the provisions of this present law are and remain abrogated.

Done at the palace of the Tuileries, May 19, 1866.

By the Emperor:

NAPOLEON.

E. ROUHER, *Minister of State.*

The Marquis de Montholon to Mr. Seward.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, October 15, 1866.

Mr. SECRETARY: I have the honor to inform your excellency that the government of the Emperor, in a decree of the 30th of June last, decided to abolish the tax on passports and the *visa* of passports in favor of French subjects, and secures the same immunity to citizens of those foreign powers that will reciprocate with us.

I therefore beg your excellency to let me know if the American government is disposed to instruct its representatives in France to grant passports and indorse them free of charge; in which case citizens of the United States shall im-

mediately have the immunity prescribed by the decree of the 30th of June in all French affairs.

Accept, Mr. Secretary of State, the assurances of my most high consideration.

MONTHOLON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Communicated by the French legation.—Translation.]

MINISTER OF FOREIGN AFFAIRS, POLITICAL DIRECTION,
Paris, October 16, 1866.

Mr. LE MARQUIS: The correspondence of my predecessor has sufficiently initiated you in the views of the Emperor in regard to Mexico. I think it advisable, nevertheless, on writing to you for the first time, to lay down the situation exactly, and not leave you in any doubt in regard to our resolutions.

Already, for some time, the cabinet of Washington has been informed, and officially from the month of April, that his Majesty has fixed the close of the year 1867 as the extreme term of our military occupation of Mexico.

This term will not be exceeded; on the contrary, our desire is to hasten it as much as possible. The government of the Emperor, as was its right and its duty, and as my predecessor wrote to you the 7th of June last, reserved the taking of all indispensable precautions, in order not in any way to compromise the health and security of our army.

There is for us in this an interest of the highest order, which cannot cede precedence to any other. But the news received from Mexico within these last days presents a state of things which must awake our solicitude. Armed resistances are increasing; the dissidents show themselves in force at divers points in the Mexican territory, and at any moment the mode of successive evacuations, originally adopted by us, might place our soldiers in a position of difficulty if we should thus leave them in small force and isolated at so great a distance from Europe.

Justly impressed by this eventuality, the Emperor has sent to Mexico his aide-de-camp, General de Castelnau, to have explanations thereon with the Emperor Maximilian, and make known to us his intentions, while fully and definitively enlightening him as to ours.

Mr. de Castelnau has for his mission to make it well understood that the limit of our sacrifices is reached, and that if the Emperor Maximilian, thinking to find in the country itself a point of sufficient support, may wish to endeavor to maintain himself there, he cannot for the future count on any succor on the part of France.

But it may happen that, deeming it impossible to triumph through his own resources over the difficulties which surround him, this sovereign may determine to abdicate. We will do nothing to dissuade him from this, and we think that on this hypothesis there would be ground to proceed, by way of election, in the establishment of a new government.

You see, marquis, that under these conditions it is at present quite likely that our expeditionary corps may return entire to France by the spring of next year. This probability seems to us to be destined to be received in the United States with real satisfaction. To suppose the contrary would be to admit that the Mexican question furnished the parties with the means of an easy popularity which they would with regret see escape. We have too much confidence in the good sense of the American people, and in the old feelings of friendship and regard for France, not to be beforehand convinced that suspicions without foundation, or inadmissible exigencies, will not occur to change between the

United States and ourselves relations which have a tendency to become more easy and more close by means even of decisions which we may think it a duty to take at this moment. We take them in the plenitude of our freedom of action, which we must maintain entire to the end. This reservation is imperatively commanded by our sense of dignity; and anything which might have the character of pressure, which could not be borne on the part of a foreign government, would only have for consequence to force us, against our wish, to prolong a state of things which our interest, well understood, has decided us to abridge. It is impossible that this situation is not perfectly understood in advance by the cabinet of Washington, and it will certainly dedicate all its cares to turning aside incidents which would be susceptible of bringing results regrettable to those I have made allusion to.

Receive, marquis, the assurances of my high consideration.

MOUSTIER.

Marquis DE MONTHOLON, &c., &c., &c.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, October 27, 1866.

SIR: I have had the honor to receive your note of the 15th instant, stating that the Emperor's government had decided to abolish the tax on passports, and to grant an immunity from such tax to such citizens of foreign powers as might confer a similar immunity on French citizens.

In reply, I have the honor to acquaint you that as passports are not required from French citizens who visit the United States, those citizens are practically exempt from any charge which otherwise might be made for indorsing such instruments. The Secretary of State is the only functionary in this country authorized to issue passports, and he can legally grant them to citizens of the United States only. Until the late civil war, passports had always been gratuitously issued. In the course of the war, however, as a supposed necessary fiscal expedient, Congress enacted a law requiring a fee for passports. The uncertain duration and great expense of that war were believed to warrant unusual taxes. The wisdom of the policy of France, however, in removing the restriction referred to upon freedom of intercourse, may be acknowledged. Without doubt Congress will insist on retaining the tax upon the United States passports only so long as the fiscal condition of the government shall require its continuance.

Accept, sir, a renewed assurance of my high consideration,

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

Mr. Seward to the Marquis de Montholon.

DEPARTMENT OF STATE,
Washington, November 12, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th ultimo, relative to the new law affecting the merchant service, published in France on the 16th of May last, a copy of which you are so good as to enclose.

With reference to your inquiry whether this government is disposed to accord the benefits of reciprocity of similar legislation, I have the honor to inform you that I have referred the matter to the honorable the Secretary of the Treasury,

whose province it is to consider such questions, and I shall have the pleasure of recurring to the subject when I shall have received an expression of his views thereupon.

I beg that you will excuse the delay in this acknowledgment, which has been occasioned by the removal of the papers of the department, and that you will accept a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

RUSSIA.

Mr. Clay to Mr. Seward.

No. 89.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, October 17, 1865.

SIR: I am in receipt of your despatches Nos. 169 and 170. I thank you for the leave of absence, and I shall use it when I find it most conducive to the public interests, and my own pleasure and health.

The cholera, now spread over almost all Europe, will prevent my travelling at once. I deem it my duty to warn the United States against the importation of the "cattle plague" into our country. Being a farmer, and feeling great interest in such subjects, I have read everything upon the subject which is accessible, and I will give you only the result of my conclusions and observations.

The "cattle plague" is the *Russian* "cattle pest." In this country it is always more or less prevalent, and generally kills whole herds. Like cholera it is both contagious and infectious—by these terms I mean to say that it is communicated from one animal to another by the physical imposition of the virus upon any animal *from any object containing the virus;* and also that the virus may be carried in *molecules in the air*, and thus produce the disease.

It evidently did not originate, *de novo*, in England, but was carried there by ship-loads of cattle from the Russian Baltic ports. If this theory be correct, then all importation from abroad should be at once prohibited by Congress, if not otherwise possible to be prevented; and it would "*pay*" well *to call Congress together for that purpose only*. No ship having a cow, or sheep, or animal from Europe, or countries having "the pest," should be allowed to land in America without sufficient quarantine. Every disease must, at some time, have originated from a violent disregard of the natural laws, and this as others; but I am of the opinion that there is nothing in the management of cattle in Great Britain and America to generate the disease.

So also no sanitary precautions can arrest it, short of absolute non-intercourse. I believe it to be a species of "bloody murrain," aggravated by the marshy nature of northern Russia, and the utter disregard of all the laws of health which is shown to man and beast, especially in regard to ventilation and cleanliness, which prevails in these cold climates, where great expenditure of heat is needed, and fuel and food scarce. The same causes are producing now the aggravated typhus fever here, which is called outside of Russia "the plague."

England was warned long since of the danger of direct importations of cattle from Russia, but failed to heed the advice. I trust our country may be more wise, and more fortunate.

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr Clay to Mr. Seward.

No. 91.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, October 29, 1865.

SIR: You will allow me once more, in the dearth of local news from this court, to make a suggestion in reference to the right of suffrage and naturalization in the United States. Amend the national Constitution before the revolted States are readmitted, by clauses of the following import:

1. Hereafter the right of naturalization shall belong *exclusively* to the federal government, and the Congress shall pass, from time to time, *uniform* naturalization laws, or deny such right.

2. The right of determining who shall be voters in the States and nation shall belong *exclusively* to Congress; and hereafter all male persons (or female as well) above the age of twenty-one years, without distinction of color or nationality, who can read and write, and no others, shall be entitled to vote for all officers, State and national, &c.

Clauses similar to those would save us from many evils, from disastrous and continual agitation, and perhaps from another civil war.

I beg you to lay this despatch before President Johnson.

I am, sir, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

No. 92.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, October 29, 1865.

SIR: As some attempts are being made to deny the existence of the cattle plague in Russia, I quote (translate from the French) the following extracts from the Russian Gazette of Moscow: "They write from Carsoun (government of Simbinsk) that, 'besides, a frightful plague desolated our poor fields; the epizôôty rages among the beasts; cattle perish by hundreds, and sheep by thousands. The malady which carries them off is entirely unknown; the beast becomes listless (triste;) the head inclines towards the earth; the eyes are disturbed, and in an hour all is over. Nothing is attempted to arrest the plague; the superstitious people regard that as a sin. The beautiful herds of cattle of Gorenki, of Posselki, of Stannitchnoe, and of other large villages, scarcely retain the tenth of their original number.'"

I trust the American people will not do, what the natives are doing here—nothing.

This description of the cattle plague does not answer to that of the one raging in England in all respects, but climate and other surroundings greatly change the symptoms and character of the same disease, as is well known; and notwithstanding the denials of the Russian authorities, who are much interested in the export of cattle, tallow, hides, and wool, I am still of the decided opinion that the disease was carried from the Baltic Russian ports to England.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

No. 98.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, December 28, 1865.

SIR: The President's message has been now received for some days. It was anxiously looked for in all Europe, and has been read with general satisfaction. Under the apprehension of possible war with France and England, United States stocks had declined at least ten per cent. from the highest point reached since the war was closed. But now, under the pacific tone of the message and the indorsement of the able financial views of Secretary McCulloch, which had been already made known in his Fort Wayne speech, American bonds are having a rapid and steady rise; and if Congress shall sustain by legislation the views of the message, our stocks will at no distant time will ascend to or above par.

When the resources of a state are derived from fully developed realities and industries, a foreign debt, more especially when it is based upon unproductive loans, by exhausting the precious metals, is ruinous to a state. But it is different with us. With new and fertile lands, with vast mines and valuable staples, which may be indefinitely produced and sold at great profits, we can well afford to borrow money at an interest which would be ruinous to older countries. A sound financial policy, then, such as that sustained by the President and the Secretary of the Treasury, by a general restoration of the specie basis, and a sure redemption of the funded debt in a reasonable time, will not only establish a safe foundation for home industry, but give us immense credit abroad, which will thus afford us all the reproductive capital we shall so much need.

The foreign relations of the United States are regarded as ably sustained, and it is thought that we can maintain amicable, or at least neutral, relations with all our rivals, without a permanent sacrifice of the Monroe doctrine or our honor. And, although it is not my province to criticise the President's acts or opinions, I must say that he has shown great ability in the laying down the ground of his foreign policy, and which you had already initiated.

Having previously taken the liberty of saying a few words upon the all-important subjects of naturalization and suffrage, I venture only to say that it seems the President has gone the full length of his executive powers in the liberal direction; and if more is necessary to be done, it remains with Congress and the States to perfect what he has satisfactorily begun.

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr Seward to Mr Clay.

No. 187.] DEPARTMENT OF STATE,
Washington, January 31, 1866.

SIR: I transmit to you a copy of a communication of the 29th instant, from Mr. George W. Cook, of New York city, relative to the case of Benjamin Goldberg, a naturalized citizen of the United States, who, it is stated, has been arrested and held to military service in Poland while on a recent visit there. You are instructed to inquire into the circumstances attending his arrest, and if it shall be deemed advisable, to do what you properly can to obtain the release of Mr. Goldberg.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Cook to Mr. Seward.

111 NASSAU STREET, NEW YORK, *January* 29, 1866.

SIR: I beg leave to call the attention of the Department of State to the case of Benjamin Goldberg, a naturalized citizen of the United States, who has been arrested while on a visit in Poland, and held for military service.

Mr. Goldberg left New York in the month of September last, for the purpose of receiving an inheritance left him at Warsaw, or some other place in Poland. He carried with him a passport received from the State Department at Washington, and the passport is numbered 21,903, dated August 21, 1865.

I enclose a copy of Mr. Goldberg's letter apprising me of his arrest, also the original envelope containing the same, the postmarks on which may lead to where Mr. Goldberg is held.

I would respectfully request that the American minister or consul at Warsaw, or other place, may be instructed to inquire into the case of Mr. Goldberg, and procure his release.

Yours, very respectfully,

GEORGE W. COOK.

Hon. WILLIAM H. SEWARD,
Secretary of State.

DEAR SIR: I have been arrested at Poviat Linchitsé, Miasta Zigerger, Gubernia, Warsaw. Please write to the State Department at Washington for my release.

Yours respectfully,

BENJAMIN GOLDBERG.

GEORGE W. COOK, Esq.

Mr. Clay to Mr. Seward.

No. 99.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, February 6, 1866.

SIR: I have the honor to transmit to you the papers prepared by Jeremiah Curtin, esq., giving an account of the reception given to the American legation by the citizens and Prince Scherbatoff, the mayor of Moscow. These demonstrations were by the special permission of his imperial Majesty, and are therefore justly regarded as a testimony of the respect and amity felt by the government of Russia for the government and people of the United States.

This is the first demonstration of the kind ever made in Russia, and may therefore be thought to have more than usual significance; and it is so regarded here and by the press in Europe, which has very generally noticed it. Mr. Curtin has undertaken to collect some of the comments of the European press, and when ready I shall take the liberty of enclosing them to the department. I second Mr. Curtin's suggestion that you allow the whole proceedings to be published in America. From conversations and inquiries from Prince Dolgorvukey, aid-de-camp general to his imperial Majesty, and who is known to share eminently his confidence, I am sure such publicity is expected in high quarters here. In the present delicate relations between ourselves and France, and which I most ardently trust may be amicably arranged, these evidences of loyalty to our country from a first-rate power may not be without wholesome influence in the peaceable solution of the same.

I cannot allow this occasion to pass without saying that much of the good feeling existing towards this legation is owing to the character and merits of Mr. Curtin, who has learned the Russian language and speaks it fluently, in which he delivered his speech in Moscow, to the delight of all Russia. He is a great acquisition to this legation, and deserves well of the country.

I am, my dear sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Translation of the leading article in the Moscow News, accompanying the description of the entertainment given to the legation of the United States; written by the editor, Mr. Katkoff.

Of all the nations of the earth, the United States is without doubt the most popular in Russia.

Nations as well as individuals are naturally inclined to acts of kindness as long as there is neither antipathy nor conflict of interests between them. Between the Russian people and the powerful republic of North America there has never been either antipathy or conflict of interests of any serious kind. Separated on one side by immense distances, they have on the other, by the force of natural extension, succeeded in becoming near neighbors. Separated from each other by one-half of Europe and the entire Atlantic ocean, they have met upon the Pacific, where, for them, there is no subject of dispute, and where they can but join hands in friendship and alliance. Is not this remoteness, and at the same time proximity in the geographical position of the two nations, a symbol of their interior relations to each other? In their origin, their destiny, and their present life there are many dissimilarities, many striking contrasts. But the more striking their peculiarities appear upon comparison, the more deeply do we feel the powerful interior analogies which attract them to each other and which is the source of that cordiality which binds them together, and binds them the more strongly for the reason that there is not a single interest of importance for either country which can become a subject of dispute between them. Both people are inspired by the spirit of the future; both are prepared for all possible sacrifices to preserve their national unity; both are so filled with the spirit of patriotism that in this respect they can only be compared with each other.

The entire thousand years' history of the Russian nation is a series of trials which it has experienced, a series of mighty efforts through which it has triumphed. Events which have taken place before the eyes of living men testify to the trials which our distant neighbors have overcome, and to that energy which they are capable of displaying. There is much in our nature which is more easily understood by the American than by many others with whom we are in continual contact, and there is much in the American which is more easily understood and which is nearer to the Russian than even to that European country, which was the original home of the American and whose language he speaks. The puzzle which both nations present to the rest of the world brings them together and makes them related to each other. Both are objects of doubt, and where there is doubt there is apprehension. Both arouse apprehension by the very fact of their existence; both are objects of ill-will—Russia of an ill-will more active and deeply seated than her transatlantic allies. In this regard the position of the American people is much more happy and much more agreeable than ours. On their continent they know no rival; to a virgin land they brought the gifts of a ripe civilization. The American nation was formed by individuals coming independently and singly to the country, and not developed slowly from a mass of races. It had not to battle for its existence so stubbornly and so long. However, recent events have shown that the Americans have no reason to envy us for the abundance of ill-will which has fallen to our lot. Cunning enmity found its way into their divided land and encouraged the treason which cost America so much blood and so much effort. When civil war raged in the United States, what malicious confidence was expressed on this side of the Atlantic in the final destruction of the young giant. What bold calculations were made, what changes were planned and even carried into execution in their neighborhood.

But what confusion the triumph of the United States caused in those same spheres; how political plans were drawn up in view of the disasters of America. Russia alone it was that never wavered either in her friendship to the United States or in her convictions that their cause would triumph. From her alone they heard sincere words of sympathy and encouragement. We quote the language of an American, (Mr. Curtin,) spoken in Russian; we know how this friendship of Russia was prized and what a reception was shown to our seamen when they arrived in America, at a time when Russia herself was an object of hostile designs and when her enemies had hoped by the aid of threats and domestic treason to carry out their plans.

We write these lines under the impression produced by the memorable entertainment given by the merchants of Moscow to the legation of the United States, on Thursday last, in the hall of the Academy of Commercial Science. We say, to the legation of the United States, but let not our readers think that we speak of a numerous diplomatic suite with which the legations of even small European powers are unable to dispense. The legation of the United States consists of the minister and the secretary. It is well known it is difficult to arouse Moscow. No matter how many ambassadors and ministers might have appeared within her walls, she would have paid them no attention. But the arrival of General Clay, minister plenipotentiary of the United States, who had been preceded some days by the secretary of legation, Mr. Curtin, who learned the Russian language in New York, could not pass unnoticed, could not but produce an impression, could not but call forth manifestations all the more significant in that they were sincere and unpremeditated; even peasants presented themselves to the minister with greetings and with bread and salt.

Our readers will find in our Sunday supplement a full account of this banquet which the merchants of Moscow prepared for their esteemed guests, and also the speeches delivered on the occasion.

Never have toasts been received with greater enthusiasm than the first toasts to the health of the Emperor, the President, Russia and America, and for the guests themselves. It is difficult to give an idea of the enthusiasm with which the animated speeches accompanying the principal toasts were received, which gives so extended a significance to this entertainment, and which finds the same echo in the breasts of all patriots in Russia and in the United States of North America.

[Translated from the "Moscow News," of January 9 O. S., 21 N. S.]

Grand banquet given by the merchants of Moscow in honor of the legation of the United States.

The merchants of Moscow, taking advantage of the accidental presence in their city of the minister of the United States of America, General Clay, which happened shortly after the arrival of the secretary of legation, Mr. Curtin, and wishing on their part to express the national feeling of sympathy for the United States, and their gratitude for the reception given by the American people not long since to the Russian fleet, invited the legation of the United States to a dinner at the Moscow Academy of Commercial Science.

Just before 5 o'clock p. m. the minister and secretary of legation, attended by a deputation, arrived. The honorable guests were met on the grand staircases by the committee of arrangements, and at the entrance of the hall by the president of the academical council, and by the inspector of the institute. Precisely at 5 o'clock the guests were seated at table. The number of persons invited was 150. At the beginning of the dinner the orchestra played variations of Yankee Doodle. The music of their native land, skilfully executed by the orchestra, so pleased our American guests that they rose from their seats, and applauded long and heartily. Next came Glinkas Kanearinskaya, heard also with evident pleasure by the Americans.

The orchestra, however, had not long to play. The dinner was not nearly half finished when the president, Mr. Razanoff, opened the series of toasts, to the great delight of all, by that toast which is ever first at a Russian dinner. He spoke as follows:

"GENTLEMEN: The time has arrived to commence our toasts, but we Russians, everywhere and always, drink the same first toast to the health and long life of our dearly beloved Emperor."

The hurrahs of Russians and Americans were joined in one long-continued deafening chorus, drowning the music of "God preserve the Emperor." Some minutes elapsed before the orchestra could begin the hymn anew and finish it. At its conclusion again broke forth a Russian hurrah, to which our guests contributed most heartily. This put off for a time the possibility of proposing a toast for his Excellency Andrew Johnson, President of the United States. This toast was given by the president of the Exchange committee, Mr. Lyamin, one of the principal managers of the dinner. Mr. Lyamin spoke as follows:

"In the presence of our esteemed guest, the representative of the United States of America, it would be very natural for us to say something of our desire to draw still nearer to his great country, and to enter into direct mercantile relations with it. Much might be said about the agreeableness and the profit of such direct communication, both for our rising manufactures and for his country, so rich in materials of every kind.

"But it was an entirely different cause that called forth our unanimous desire to beg of our esteemed guest the honor of his presence on this occasion.

"This cause is higher than material interests and political considerations.

"Our fleet appeared in America during the past year, and our countrymen, Russian seamen, were received by the Americans with such hospitality and such marks of honor as have sunk deep into our hearts.

"No matter how worthy might have been the representatives of our navy; it was not that which called forth the glad greeting of their hospitable hosts.

"The people of America, in the persons of our countrymen, honored the Russian name. The title of Russian man gave the right to be received by them with open arms. Not so were we then regarded by other nations.

"Love of our cherished native land is dear to each one of us Russians; therefore he who loves Russia has the full and inalienable right to consider us all as sincerely and truly devoted to him. Aside from all political considerations, the Americans have shown, by their truly friendly reception, that Russia was dear to them, and Russians welcome to their shores.

"Filled with gratitude to the citizens of the great American republic, let us raise the cup of greeting, and drink to the health of the most highly esteemed and most worthy President of the United States, Andrew Johnson."

Amidst the storm of applause with which this toast was received was heard the music of "Hail Columbia," and immediately, with the permission of the minister, the following telegram was sent to Liverpool, to be forwarded to Washington:

"To the AMERICAN CONSUL *at Liverpool, England:*

"Telegram to his Excellency Andrew Johnson, President of the United States of America:

"The merchants of Moscow, welcoming to their city the minister of the United States, drink to the health of your excellency.

"The PRESIDENT of the committee of reception."

General Clay, rising from his seat, spoke as follows:

"GENTLEMEN: I am unexpectedly in Moscow, the cradle of Russian nationality.

"You had already prepared this entertainment for my esteemed friend, Jeremiah Curtin, who has done himself the honor to learn your magnificent language. Nor would I be now present upon your invitation did I not know that the Russian heart is large enough to include us both.

"I gratefully appreciate and accept, for myself and for my countrymen, the expressions of cordial friendship which the citizens of Moscow are pleased to utter towards the people of the United States.

"I am proud to hear the name of President Andrew Johnson associated with that of Alexander II, the illustrious sovereign whom God has given to our times for the good of Russia and the glory of all the ages.

"It was the fortune of both of these rulers of two great nations to have devoted their lives to the liberation of the enslaved, and to the elevation of the whole people to equality before the law.

"I cannot but regard this coincidence as the work of that Providence which inscrutably designs and ever advances, in monarchies and in republics, the liberties and the civilization of the human race.

"Let us bow in reverend submission to the divine will, and hold the friendship between the people of Russia and America, which He has indelibly written in the annals of history, sacred as the family hearthstone, as the love of country, and as that honor which, though often reddened with the blood of the heroic martyrs of liberty, yet lives forever untarnished."

After these words, which were listened to with the fullest sympathy expressed in prolonged applause, Mr. M. A. Gorboff made the following speech:

"To me is reserved the honor of welcoming you, in the name of the merchants of Moscow, to greet you as the honored guest of our city, and as the representative of a nation which has so often and so solemnly declared its sympathy with us Russians.

"Sincerely do I regret that I must speak in a language foreign to you.

"Heartily do I wish that, in the accents of this strange tongue, the expressions of that sympathy, with which we look upon everything that redounds to the honor, the glory, and the profit of the people who have empowered you to be their representative in Russia, might not fall meaningless upon your ear.

"We citizens of Moscow value most highly this opportunity of repaying, in the most Russian of Russian cities, even a part of that debt which we owe for the kindness and hospitality with which the citizens of the United States received our fellow-countrymen.

"Wishing now as private citizens, in this our private society, to give utterance only to our own views and feelings, we think it proper to declare that this expression of national sympathy in both our countries is not, like many official phrases, an empty commonplace. At the bottom of it lie deep traits of resemblance in the position, the interests, and the peculiarities of both nations, elements which are destined to influence the future history of both Russia and America, and through it the fate of the world.

"My words are not popular vauntings; in them is contained our historical faith. Two Colossuses, Russia and the great States of North America, with their boundless extent of territory, their various population, and their immense national resources, lie like two insolvable problems before the ancient powers of Europe.

"But we believe that the solution of these problems will be to give both countries in the future such a significance as is, perhaps, without example in the history of nations before our time. Both you and me can point with the same feelings of just pride to those mighty evidences of interior vitality which both people have ever shown when, relying on their own strength, they proudly rejected all foreign interference.

"General Clay's reference to similar reforms reminds me of similar trials. Notwithstanding the different measures called forth by these events, there is a remarkable similarity in the triumph which with which both nations issued from their difficulties.

"Here I cannot but express our joy at the manner in which Russia put an end to internal disturbances. And of America I would say, can that people think of their future without pride, which, in the first year after the close of a war unexampled in history, has changed in its budget one hundred and twelve millions of deficit to one hundred and eleven millions of excess? I remember these facts set forth with such grand simplicity by your President, because to us manufacturers financial questions are especially near and easy to be understood. After this involuntary digression, I shall endeavor to express the sentiments of all Russians present.

"We think that in this consciousness of inexhaustible national power is contained the source of that sympathy which draws the people of the two countries together, and from that grand impartiality with which both the governments and the public opinion of both Russia and America treat questions of mutual internal interests, freedom of internal action in each country.

"From this trust in themselves, from this sympathy of the powerful with the powerful, is to be attributed in part the fact that neither American nor Russian industry and commerce have suffered from selfish attacks of one country upon the other, similar to those, for example, which recently were directed against our rising manufactures by our European

neighbors, and which we merchants of Moscow have been obliged to ward off as well as we could. You Americans have never regarded our successes, as many European nations do, with envy and apprehension.

"Therefore it is that we citizens of Moscow honor in your person the noble and just American nation, which is at the same time fully conscious of its own strength and foreign to all envy.

"Therefore it is that we look so sympathizingly on the reunion of all the bright stars on your glorious flag. We are conscious that both you and we may quietly await the future, believing, in the words of your illustrious President, 'that many incidents, which from a speculative point of view might raise alarm, will quietly settle themselves.'

"With this conviction I beg permission to unite in one, two toasts, near and dear to all the best hearts in the boundless extent of our fatherlands—to unite in one a toast for the prosperity, unity, and extension of the powerful and glorious United States of North America, with a toast for the flourishing through ages of our orthodox Russia."

In two parts of this speech the speaker was interrupted by the prolonged cheers of all the Russians present at the dinner—namely, where he spoke of the historical greatness awaiting Russia and America, and of the sympathy of the Americans with the successes of Russia, in comparison with the position towards her of other nations.

To this speech, after which was played the "Star Spangled Banner," Mr. Curtin, the secretary of legation, answered in the Russian language as follows:

"GENTLEMEN: As my superior, General Clay, the representative of the United States of America in Russia, is unacquainted with your language, and as thanks for a Russian greeting are not to be thought of in a strange tongue, it becomes my pleasant duty to answer your words of welcome in your own mother tongue.

"With my whole soul I thank you for the honor you have shown my country. Knowing how dear Russia is to the hearts of all who surround me here, I have the assurance that this toast for the prosperity of Russia and America, and for the continuance of their mutual friendship, is indeed no mere empty words, but a sincere and joyful greeting.

"For me and for every one of my countrymen nothing could be pleasanter than this generous toast which I hear to-day in the ancient capital of the Russian emperors.

"In the history of our relations with foreign powers, for us Americans the brightest fact is the unshaken friendship and kind disposition to us of the Russian people. In this kind disposition we rejoice; this friendship we highly prize.

"In an hour of bitter trial the friendship of Russia did not betray us. From her we heard words of sympathy and encouragement. These words are engraven upon the hearts of the American people. We can never forget them.

"Our friendship is not the result of accident nor caprice. It is founded on permanent and natural principles, and of such a character that we may rely on its continuance and development.

"We are bound together by pleasant memories, by mental sympathies, and by religious tendencies.

"It is known to us that in New York, at the present time, a Russian church is about to be built with Russian and American money. As regards material relations, now occurs to me that actual union of our countries in the career of progress, where Russia and America have joined hands. I speak of the Russian and American telegraph, an enterprise of world-wide significance. I was in the United States when that bright thought, now in course of realization, was first conceived. I remember the sympathy, the unfeigned enthusiasm with which it was received, and I can boldly say that never has an undertaking had such popularity as the proposed union of your fatherland with mine.

"My countrymen are waiting impatiently for that moment when, expressing their feelings of respect and gratitude, the President of the United States shall send upon the newly constructed line his greeting to the Russian Emperor.

"You have spoken of the past and the future of Russia and America. To this I answer that for the past we have no reason to blush, and for the future we need not fear. In the past, with unshaken reliance on God, both Russia and America have battled for independence from foreign power, against foreign interference in whatever form it might appear. With what results is known to the world; and it is our prayer that as the Lord has been merciful to our fathers, so may He be to us and to our posterity.

"In the future, knowing each other better, we shall draw still closer together; for I am sure that if my countrymen knew Russia, even as I know her, they would love her still more than they do now.

"The year that I have spent in Russia is one of the pleasantest of all my life. My only regret is that I am not able to express even a small part of those feelings which I entertain towards you and your country.

"I am still an insufficient master of the Russian tongue, and say only that which I can, not that which I could wish to say. But I rejoice that here in ancient Moscow, on the hearth-stone of Russian hospitality, I can give you, in Russian words at least, my soul-felt thanks for your friendship to my country, for your kindness and your noble hospitality to myself, and it shall ever be the brightest recollection of my life that I have been the welcome guest of one of the most heroic and famous cities of which history makes mention.

"Thanking you once more for your kindness and hospitality, in closing I will say, with one of our American poets, 'God bless the great empire that loves our dear Union; success to her people; long life to her Czar.'"

This second toast for the Emperor produced great effect. The orchestra answered it with "God preserve the Emperor."

Mr. Curtin spoke with great feeling; more than once his voice trembled with emotion; the warmth of his sentiments and the Russian words with which he expressed them, carried away all hearers to enthusiasm. Nearly every sentence of his speech was interrupted by deafening plaudits, and long after its close the guests crowded around him, hastening, one before another, to embrace him. The general enthusiasm was increased when, amid these rapturous greetings, Mr. Rozanoff asked the attention of the audience in the following words:

"GENTLEMEN: With joy we have drunk the health of our dearly beloved Emperor, with the fullest enthusiasm to the health of the American President and for the prosperity of Russia and the United States. I now invite you to raise your glasses for the worthy representative of the United States, our honored guest, General Clay."

In a moment General Clay was surrounded on all sides by numbers of guests desiring to touch glasses with him. The sounds of Russian, English, and French were mingled in the speech of the Moscovites desiring to express their pleasure at seeing in their city such an esteemed guest.

The mayor of the city, Prince Scherbatoff, as the representative of all classes of the capital, asked permission to say a few words. He spoke in the following language:

"I am happy to be present at an entertainment the object of which is to honor the great American nation in the person of its worthy representative. We thank our honored guest for having conceived the happy thought of visiting Moscow, our ancient capital. Here he will become acquainted with life, especially Russian. From his words it is evident that he already values it. We hope that General Clay will bear away with him pleasant impressions as the result of his too short stay among us. At all events we are sure that he is convinced of the profound respect and sincere sympathy of the Russian people with the people of the United States. The mutual respect of two great nations is the best bond for the preservation of unbroken—friendly relations. Allow me, gentlemen, to propose a toast for the continuance of the sincere friendship between Russia and the United States of America, to the honor and advantage of both nations."

These words were received with loud acclamations; in general there was no falling off of that enthusiasm which accompanied every word and speech which contained the slightest reference to the friendly relations between Russia and America.

It was very natural that all present awaited with especial impatience the toast for Mr. Curtin, whose coming to Moscow was the original cause of the present dinner, and whose Russian speech was such a remarkable and fitting ornament to the occasion. This toast for the health of Yeremie Davidovitch Curtin the committee had requested Mr. Gorboff to propose, which he did in the following words:

"GENTLEMEN: Never have I so desired to speak well as at the present moment. I have no speech prepared, and that which I could wish to say would no doubt be pleasant for you all. But what need have I of a speech? I feel that no matter how early I might have begun it, no matter how I might have labored upon it, I should not have attained that warmth, that force, that heartfelt sympathy which we have heard in those expressions flattering to our feelings, and which we have heard in our own mother tongue in the speech of our dear guest. [Bravo!] I have arisen to thank this guest, whom, to the great gratification of us all, I can name as we name ourselves in Russian, with his own name and the name of his father—to thank Yeremie Davidovitch* Curtin. [Bravo! bravo!] Permit me, gentlemen, permit me; again you have interrupted me; what remains for me now to do? I shall do that which he himself has done. He finished his beautiful speech with verses from an American poet. I shall finish mine with a line from the greatest of our poets. Yeremie Davidovitch, neither do I know, nor does any one present know, how to thank you as we could wish for all that you have said:

"'Where there is much feeling there are few words.'

"Gentlemen, accept my simple toast to the health of a dear guest in our Moscow—to the health of Yeremie Davidovitch Curtin."

To give an idea of the prevailing enthusiasm one should have seen with what sympathy all drank to the health of Yeremie Davidovitch.

Next in order came the speech of Mr. Chetverikoff, president of the Exchange committee and member of the council on manufactures, on the similarity of manufacturing wants and interests in Russia and the United States:

"GENTLEMEN: Not alone in the consciousness of power, not alone in a great future is contained, as I think, the similarity of our position with that of the United States of America. Permit me to call your attention to still another element in the mutual sympathy between the laboring classes of our Russia and their transatlantic brethren—another condi-

* In Russian, instead of the family name, the Christian name and that of the person's father, with the addition of "vitch," meaning son, is used.

tion, which, being the same for the United States and for us, is also especially near to manufacturers and merchants, and therefore a fit subject for mention on the present occasion: the manufacturing interests of the United States, as well as our own, demand at the present time a protective tariff. Our merchants and the producers of the United States are in favor of it, not from obstinacy nor because they are led away by false theories. The question of protective systems, and unconditional free trade, has long furnished themes for dispute between localities needing foreign raw materials for manufactures, and those more favored lands abounding in agricultural products, which can and should widely develop home manufactures.

"These countries, gentlemen, are Russia and the native land of our guests; they both possess similar means of development, and for that reason serve as an object of attack for the theorists of the whole world. But, unfortunately, disputes of this kind do not remain theories. In one form or another the question of protecting internal productions has become at the present time a vital one for the manufacturing population of both America and Russia. You are aware that, for nearly a year, a permanent committee of merchants has been occupied in preparing an answer to the proposition of the German Zollverein in regard to a commercial treaty with Russia. During all this time I have taken part personally in the preparation of the various data in all branches of Russian manufactures. Our task is done. The result of our investigations is before the public.

"In the course of this year I have often thought of the inductions which are inevitable upon an examination of the various data contained in this collection of facts concerning our Russian manufactures.

"I consider myself fortunate in being able to express the inductions which I have made, and in the truth of which I firmly believe, in the very words of an author renowned in the literature of American political economy.

"Theorists have condemned our country to exclusively agricultural labor, to the production of raw materials, just as they have the United States. 'But where there are no manufactures,' says Carey, 'the farmer will always be the victim of chance, and the ruinous fluctuations of prices.' Increase of internal manufacture, variety of occupations, the bringing together of producer and consumer, are what Carey demands for assuring to the farmer a regular compensation for his products; this he demands as a protection against destructive mercantile crises. In a rational protective system, he sees the only means for the development of prosperity in the laboring class for the payment of the immense foreign debt of the United States; salutary demands, which may be repeated without change in Russia.

"The Russian merchants and manufacturers can say nothing more appropriate than this in defence of our home manufactures. It is painful to think of the future which would have awaited Russia and America, had they been limited to the production of raw materials for foreign factories. Of what use is a fertile soil and a boundless territory, if the trade in grain and other agricultural products is languishing on account of the difficulty of transport and the slow movement of capital? In America, according to Carey, the owners of railroads leading from the west suffer a continual loss in the transport of grain for the only purpose of giving the western farmer an opportunity of sending his grain to the eastern markets, and balance these losses by the profit on other classes of freight. With us, in Russia, where there are still few railroads, the farmer, for the greater part, sells his grain at a loss, if we count the actual cost of its production, and it is only at such prices that the dealer is able to transport it to the seaboard. The situation is the same, with the single exception that the losses, in every case, ruinous for those upon whom they fall, are borne by different persons.

"With us the quality of raw products needs improvement, and in North America, says Carey, the development of a home market is indispensable for improving the products of the country.

"The yearly influx of emigrants to the United States in search of an occupation, who, not finding it, betake themselves to agriculture, causes a great competition in the production of raw materials. In Russia, at the present time, the eleven millions of newly freed rural population cannot devote all their unoccupied time to agricultural labor; in summer there is work enough for all; but in the long winter months, they are, for the most part, condemned to involuntary idleness. Thus we see there are many similarities in the position of national labor in both countries. In relation to the United States, Mr. Carey very justly considers the adherents of unconditional free trade as the allies of England, striving to make her the workshop of the world, in order to manufacture our raw materials, and send back to us again the products of our own fields at a price a hundredfold more than we received for them. Even our continental neighbors have begun to offer their services, which, unfortunately, we Russians cannot consider as entirely unselfish, at least as regards the propositions of the Zollverein, of which I have already spoken.

"Pardon me, gentlemen, if I have occupied too much of your time in the consideration of a subject important to us all.

"Permit me to offer a toast, which follows as a natural conclusion from what I have said—a toast for the protection and development of home manufactures, in Russia and in the United States, and for direct mercantile relations between the markets of both countries. But this is impossible without ships. Allow me to add a third toast: Let us drink to the restoration

of the merchant fleet of the United States, and the establishment of a similar fleet in our dear God-preserved Russia."

General Clay answered Mr. Chetverikoff in the following speech, which was heartily applauded by all the hearers:

"GENTLEMEN: In natural science, man is the highest type of animal organization; his structure and growth are, of all, the most intricate and interesting. How much more intricate the growth and structure of a nation which groups together so many human beings! Statesmanship is the most profound of all sciences, and the most noble of all arts. Most aptly have the resemblances of Russia and America been set forth in the graphic remarks which we have just heard. There are among nations as among individuals, personal and general interests. And, as in municipal organizations, the interest of each is forwarded by the advancement of all, so each nation has a common share in the welfare of all the nations. The development of the nation comes from that of the individuals, so must the development of a common civilization come from the growth of each people.

"The first want of a nation is the development and the protection of labor, which is the basis of all its other wants. Intellect and science are as powerful in commerce as in war. A single chemist with his blow-pipe, a solvent, some sand and coloring matter, makes enough brilliant gewgaw to buy most of the furs and other raw materials produced by the labor of a whole tribe of savages. The producer uses the one-man power, the manufacturer the million-man power, of steam, electricity, chemistry, and all the natural forces. It is not now worth while for France and England to preach the gospel of 'free trade' to Russia and America. *Timeo Danaos et dona ferentes.* As you have truly said, there were no stricter defenders of protective tariffs than France and England, till they became the workshops of the world. Now, having the accumulated capital and skill of ages, powerful to break down by flooding the market with temporarily cheap goods the infant manufactories of other countries, they have become suddenly the advocates of free trade. The manufacturing chemists want to keep in perpetual serfdom us savages of two continents. We raise the cotton and the tobacco. England and France desire to manufacture them into thread, calicos, laces, and into snuff and cigars, and then, over a quarter of the earth's surface, to return them to us at ten times and a hundred times the price at which the raw materials were originally sold by the planter. Let us take the single article of cotton and follow up this process by which England, an insignificant isle, has become the centre of the capital, the exchanges, and the commerce of the world The pound of cotton is grown in Louisiana, in the United States; it is ready for the spindle, but the spindle is in Manchester, England. The pound of cotton goes by wagon to the nearest steamboat landing or railroad depot, and pays freight. Here it goes into a warehouse, and into the hands of a factor or commission merchant; it pays drayage, insurance, storage, and commission. It now sets out again for some seaport town having shipping communication with Liverpool, and pays again all these enumerated charges and freight; and after again repeating the same routine it reaches the manufacturer at Manchester. There it is spun, woven, and colored; and then, after duplicating all these before-named charges, and adding on the cost of manufacturing, after months or years the same pound of cotton reaches the planter in Louisiana, increased ten and ten hundred times in price. Now, put the cotton mills and looms alongside of the planter, and does not every one see that all these charges, except the single cost of the manufacturing, is saved to the producer? And should the planter become manufacturer, the whole of these profits and costs are saved to the country, which would otherwise go to the foreign insurance company, the ship-owner, the railroad company, the commission merchant, the banker, and the manufacturer. And what has been said of the pound of cotton applies also to the bushel of wheat; and the farmer and the cotton grower, under free trade, sell at the lowest price, and buy at the highest price. By bounties or a tariff upon all articles of foreign manufacture made of raw materials of home growth, you transfer the factories to your own country and build up your own industries and obey the laws of common-sense. Under the leadership of my distinguished relative, Henry Clay, upon these principles was built up the 'American system,' so-called in opposition to the free traders, who were the real defenders of British interests. So that, by the protective tariff, we have become the rivals of England, not only in our own markets, but in all the world.

"In consequence of the existence of slave labor in the south our tariff system benefited only the free States, and the south continued to be only producers of the raw materials till the breaking out of the rebellion. The consequence was that a four years' war ruined the south, while the north remains, at the end of it, as flourishing as at the beginning. The true policy is not to declare absolutely for free 'trade' or 'protection,' but to subject both systems to a wise statesmanship. As a general rule every nation should manufacture its own raw products into the highest forms of value, and then export them to foreign countries; that is the trade which, being most useful to each, would best promote the common interests of all the nations.

"What I regard as proper objects of free trade are what we cannot produce or manufacture at home. I would take my ermine from Russia, my figs from Smyrna, my tea from China my pepper from Java, my silks from Italy, my truffles from France, and my philanthropic lectures from England. What America wants is universal education and equality before the

law. We want railroads and canals and freedom of interior commerce. From these will come skilful labor, manufactures, scientific agriculture, a dense population, accumulated capital, and a profitable foreign commerce. Of these will come plenty in peace and power in war.

"For Russia, under different social and political forms, remain the same principles, and a similar policy, and the same destiny. My aspirations are for her continued growth from the roots of her long-planted civilization.

"One God, one government, one language, and one undivided nation forever!"

At the conclusion of Mr. Clay's speech, Mr. Chijoff, one of the invited guests, made the following remarks:

"GENTLEMEN: Thanking you most sincerely for having invited me to the present dinner in honor of our esteemed guests, I beg your permission to say a few words concerning the similarities of their great country and ours. These similarities have often been remarked. They are so numerous and so significant that De Tocqueville, upwards of thirty years ago, on one of the last pages of his famous work, "Democracy in America," pointed to Russia and America as the two colossi destined to solve the great problem of the future; and of a truth we have much in common which belongs to us alone.

"Both we and the United States have increased and grown to gigantic size without foreign aid. Europe looks upon us both with an unfriendly eye, while neither Russia nor America have ever coveted an inch of her territory, nor thought of violent interference in her politics. We have never made demand upon her nor asked of her a favor. We Russians and Americans give a hospitable asylum to her overflowing population; we share with her our granaries, and give her a market for her luxuries.

"Having been the editor of a journal devoted to political economy, I have been most struck with the similarity of ideas upon this science in both Russia and America.

"Many of us, yielding to the influence of the doctrines of western Europe, proclaim a complete cosmopolitanism in manufactures and commerce, forgetting that with us the conditions of labor are more difficult, on account of climate, sparse population, and immense distances, so that knowledge is acquired at a much higher price. We find that it is impossible to leave this costly labor without protection from labor much cheaper. And it is impossible and unjust to condemn our laboring brethren to be the hewers of wood and drawers of water for Europe, according to the friendly advice of our neighbors.

"Europe furnishes both Russia and America not with the necessaries but the luxuries of life, consequently if we are blinded by her teachings we oppress our laborers for the pleasure of a small class who know neither want nor the suffering of never-ending toil.

"Having been a servant of science from my youth, I desire here to make an explanation. Science is not at fault, nor European teachings, but we ourselves. Political economy as a science grew up on the soil of western Europe, and generalized her laws from the phenomena of western European life. Appearing upon the virgin soil of two immense countries, she had to deal with new elements. It is our duty to apply her laws to the new situation, and not slavishly to subject ourselves to the teachings of others. I will not enter into an explanation of the causes of our subjection. Europe, from the time of the middle ages, by means of the strictest trade regulations and by Draconian laws for the protection of labor, stopping neither at the cutting off of hands nor even at the death penalty itself, succeeded in bringing manufactures to a high degree of technical perfection.

"The people of the United States and of Russia proceed more simply, and dispense with these harsh measures; and God grant that, without the past cruelties of Europe, we shall attain the same results by the simple protection of home labor. To the honor of America be it said, that the learned Carey has shown most clearly and convincingly that the highest and truest indications of science are to be attained not by slavish submission to theory, but by a profound consideration of the wants of national labor. While Europe and her adherents on both hemispheres looked with ridicule and contempt on our protection of home labor, commerce, and manufactures, she, not unmindful of her own interests, demanded of America and of us complete submission to her so-called free trade. Against these demands the American Carey boldly raised the banner of protection for home labor of every description. Thank God this banner is winning more and more adherents every day, and bringing the so-called free traders on both continents to their senses. They are beginning to see in the manufacturer and tradesman not a heartless egotist, sacrificing everything to his own gain, but an active and genuine promoter of his country's interests.

"To the American scholar Carey, whom we had the pleasure of seeing among us a few years ago, belongs the honor, if not of raising this banner, of supporting it most efficiently and successfully; and the last American tariff is a national recognition of the benefits of Mr. Carey's teachings.

"Gentlemen, I propose a toast to the health of Mr. Carey, as the able defender of home labor in all its forms."

Mr. Axenhoff, a Moscow manufacturer, called attention to the other side of the question in the following speech:

"GENTLEMEN: So much has already been said that I am afraid to exhaust your patience, but I beg you will allow me one moment. We have just drunk the health of Mr. Carey, as an

advocate of the protective system; but allow me, gentlemen, to say that Mr. Carey considers this system a mere temporary measure, as a means to develop home industry; here occurs to me another authority—one nearer home—one of the guests of the present dinner—a member of the committee which has framed the answer to the proposition of the Zollverein one of our leading manufacturers, the esteemed Mr. Morogoff. A few days ago, in conversation, he gave utterance to the following maxim: 'A tariff should serve as a barometer of the development of manufactures in a country.'

"Supported by these two authorities, a theoretical one abroad, and a practical one at home, I offer a toast, with the wish that Russia and America may attain such an industrial development that, instead of fearing, they shall desire free trade."

The long series of speeches was closed by the following toast from Mr. Yakunachikoff, president of the council:

GENTLEMEN: After many toasts and greetings, I beg your attention for one moment. The present festival is inseparably connected with the place where our children are educated. We are within the walls of the Mercantile Academy, an institution which, like the schools of the United States, is supported by private means.

"Devoted to this institution from a sense of duty and from feelings of affection. I value the present rare moment, which affords us an opportunity to give our best wishes for the success of commercial education.

"Gentlemen, I propose a toast for the success and progress of commercial education in the national spirit, on sound principles, for the good of our country."

After these words, pronounced with much spirit, and received with hearty applause, Mr. Gorboff asked permission to fill the glasses once more, and said:

"Gentlemen, we have finished all the toasts proposed, but there still remains one obligatory on us all in the present moment. Having said so much about protection of industry, accumulation of wealth, extension of commercial relations, and building of fleets, we, sitting here, without care or sorrow at the present happy moment, in this hall so beautifully warmed and lighted, should not forget those by whose toil-hardened hands our wealth is collected, our wares manufactured, our fleets and cities built, and all the material wonders of civilization created. My toast is as follows: Let us raise our glasses, flowing to the brim, and with one soul and one heart, let us wish uninterrupted and general improvement in the condition of the toiling laborers of all the world, no matter to what nation they may belong."

The sentiment of this toast touched the heart of the hearers, and a burst of applause eloquently expressed the sympathy of all.

About 8 o'clock the guests began to leave the table, when suddenly their attention was arrested by Mr. Chijoff, who repeated the greeting of the late Mr. Aksakoff to Moscow, in verse. So great was the satisfaction of the hearers, that he was obliged to give it a second time.

The short interval between dinner and the departure of the guests was employed in listening to a few national songs, sung by the choir of Molchanoff.

Our national songs so pleased General Clay that he requested that both songs and music be given him.

On the General's departure from the hall an album of photographic views of Moscow and the history of the Moscow Practical Academy of Commercial Science were presented to him.

Mr. Clay to Mr. Seward.

No. 100.] LEGATION OF THE UNITED STATES,
St. Petersburg, February 7, 1866.

SIR: Your despatch No. 183, enclosing letters to the governor elect and to the provisional governor of Alabama, is received, and they have all been read with great pleasure.

Whilst no one would have been more pleased than myself to see the question of negro and all other suffrage finally settled, I am forced to believe that the President is following a legitimate and necessary policy in allowing the return of the rebel States into the Union so soon as they purge themselves of treason. I have always held, as you know, that rebellion could not destroy a State except by successful revolution, and armed force being suppressed, the original *status quo* revives.

I claim to have conceived and expressed this idea by the dictum that "if one loyal citizen remained, he is the State." The Union once restored, we may

safely leave subordinate issues to time and to the good sense of the American people.

Trusting that the President may succeed in the pacific and legal policy which he has, thus far, so successfully initiated, I should yet deem it a mistake if some eminent example was not made of those who have attempted in our system State rights, secession, and Mexican pronunciamientos.

I am, sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

No. 101.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, February 7, 1866.

SIR: Your despatch No. 184 is received, together with the report of the Secretary of the Treasury. I have read with great interest Mr. McCulloch's able report, for which his Fort Wayne speech had already prepared me. His views are, in my opinion, rigidly correct, and I shall regard it as a great misfortune if Congress does not at once carry out his policy. The currency must be reduced till it comes to par with gold. And I am also in favor of taxation and redemption of principal and interest of our debt by immediate and steady effort. I dissent only from the Secretary's idea that our bonds should not be held abroad.

In old countries, where production has reached its maximum, a large foreign debt, especially for unproductive expenditures, would be oppressive, if not ruinous. But in our country, full of undeveloped resources, capital borrowed at something like six per centum per annum could be employed in *reproductive* expenditure for some centuries, yet, perhaps, with eminent advantage to our whole people; for that is one reason I desire to see the Secretary's policy carried out. Our credit would be at once established in Europe, and an immense number of our bonds would be still taken here. As we have been fortunate in our generals, so now we may pride ourselves upon our finance ministers. I am sure S. P. Chase was the right man for the war expenditures, as H. McCulloch will prove to be the right man for the peace establishment.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

No. 102.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, February 22, 1866.

SIR: I take the liberty of sending you a report of the anniversary dinner (18th of February instant, translated from the French of the St. Petersburg Journal, the official paper of to-day) of the Marine Assembly. Mr. J. Curtin and myself were informally invited, but the whole proceeding, I understand, was approved by his imperial Majesty the Grand Duke Constantine.

I have the honor to be, sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—This society is a regulation assembly of the whole marine.

CLAY.

[Translation.]

Our fête of the 6th February, on the occasion of the anniversary of the foundation of the assembly of the fleet, has been this year more animated than usual, in consequence of the presence of the representative of our friends beyond the sea, General Clay, minister of the United States. At dinner, the first toast was given in honor of his Majesty the Emperor; and, as is always the case, this toast was applauded with loud hurrahs. Toasts were then given in honor of his imperial highness the Grand Admiral, the minister of the marine, and of the commandant in chief of the port of Cronstadt. Then was drunk the health of the American guest, General Clay. Admiral Lessonsky delivered on the occasion a discourse, in which he succeeded in admirably expressing the sentiments of the Russians towards the American nation, as well as the great satisfaction which we have felt in hearing of the end of the internal struggle of our good friends.

The admiral closed his speech by thanking the American minister, in the name of the whole Russian navy, for the very cordial reception given them while their fleet was in his country in 1864.

Mr. Clay responded to Admiral Lessonsky that the American nation duly appreciated our friendship, and that it would always remember that, in the most sad moments of the civil war, while the western powers were engaged in sustaining the rebels, Russia, like a true friend, maintained its ancient relations. Mr. Clay added, that he was sure time would only bind more closely the ties of sympathy which united the two great nations; and he proposed to drink to the durability of those ties.

Admiral Popow toasted the citizens of San Francisco, and Admiral Lessonsky the citizens of New York and Boston.

Mr. Clay rejoined by a toast in honor of the people of Moscow, to whom, he added, he had been able lately to express the sentiments of the Americans towards the Russian nation. After which was drunk the health of Admiral Lessonsky and Popow, the representatives of the Russian fleets in America in 1864.

Finally, the dignity of honorary member of the Assembly of the Navy of Cronstadt was bestowed upon the minister of America.

When all the toasts and speeches upon the amicable relations of Russia and America were finished, Admiral Popow spoke to call to mind all that the grand admiral, who is so dear to all our navy, has done for the Russian fleet. The hurrahs which unanimously followed these words were the best testimony of the gratitude which we bear for the grand duke. Finally, Admiral Lessonsky, rising, set forth in a few words the immense benefits which our much loved sovereign had heaped upon Russia, and offered anew a toast to the health "of the father and of the liberator of Russia." The national hymn, mingling with the loud hurrahs which this last toast received, worthily closed the banquet.

Mr. Clay to Mr. Seward.

No. 104.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, February 28, 1866.

SIR: I now enclose the comments caused by the Moscow dinner, translated from the Russian press by Secretary Curtin.

In a few days he will have ready extracts from the journals of the western powers upon the same subject.

You will judge whether they should be given to the American journals.

It is believed here that the *entente cordiale* thus shown between Russia and America will not be without its moral force in your settlement of the Monroe doctrine.

Very truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Extracts from the Russian press, collected and translated by Jeremiah Curtin.

[From the Journal de St. Petersburg, October 4, 1865.]

We have communicated to our readers with equal haste and satisfaction the excellent news which we have just received from America. The work of pacification goes on with that rapidity, that energy, that practical good sense, which the Americans ever bring to all their undertakings. In both north and south the people seem to have cast aside all animosity, all bitterness, all desire for revenge, and to think only of re-establishing the Union.

and repairing the calamitous consequences of a fratricidal struggle. From his retirement, where he has gone to cultivate his lands, General Lee, after distinguishing himself at the head of 300,000 men, by a resistance unparalleled in the history of warfare, accepts with submission the decrees of Providence, and has just addressed a letter to his fellow-citizens, in which he exhorts them to do everything which lies in their power to re-establish peace and harmony. The President of the United States has just received delegates from nine States, and has answered their assurances of renewed attachment to the Union with a warm cordiality. "All I desire," says the Chief Magistrate of the American people, "all I ask of the north, the south, the east, and the west, is to assist me in maintaining and carrying out the principles of the Constitution." [Here follows the continuation of the President's answer to the above-mentioned delegates.]

Facts show the sincerity of these noble words; they show that the government at Washington is proceeding without delay to heal the nation's wounds, the seriousness of which is acknowledged with a most praiseworthy frankness.

The dismissal of the army proceeds on a grand scale. Not only is this army to be reduced from 800,000 to 75,000 men, but the President is about to intrust the maintenance of order and public safety to certain southern States, as is proven by his letter to General Slocum, of Mississippi.

The federal government has honored all its financial engagements. The interest on the immense debt contracted during the war is paid with rigorous punctuality; and, thanks to the commercial activity of the country, all expenses have been met by the custom-house receipts alone.

The Moniteur Français declares with all the authority of an official organ, "While the government at Washington pursues a peace policy with regard to internal affairs, it also takes a similar course in its foreign relations."

This happy issue of one of the most formidable crises that a nation has ever undergone, fills us with a sincere joy; but it does not surprise us, for it had been foreseen and predicted by our government. From the very beginning of this crisis, when the most sinister or least friendly opinions were heard on all sides as to its issues, the imperial government expressed to the government of the United States "the sincere prayers of the Emperor for the maintenance of this grand structure raised with so much labor, and so rich in promises of the future, his confidence in the practical good sense of the citizens of the Union, who are such competent judges of their own true interests." His imperial Majesty was pleased to express his conviction "that the members of the federal government and the influential men of both parties would seize every occasion and use every effort to allay the ferment of passions."* These prayers have been heard, these predictions have been justified by reality. Upon this Russia truly congratulated herself, for she is penetrated by the following truths, which were also expressed in the documents in question:

"The American Union is in our eyes not only an element essential to the political balance of power, but it is a nation to which the Emperor of Russia has devoted the most friendly interest. The two countries being placed at the extremity of two hemispheres, and both in the ascendant period of their development, seem called to a natural alliance of interests and sympathies, of which they have already given so many mutual testimonials."

[From the Moscow News, January 1, 1866.]

The past year (1865) has not been so rich in results. Only one great question, which for four years had occupied all minds, received a final decision in the beginning of the past year. The bloody drama concluded in the United States has ended in a complete triumph of the North over the South, and the restoration of the unity and integrity of the great North American republic. Nowhere has this happy conclusion of the American rebellion called forth such general sympathy as in our country. No other nation took such interest in the restoration of the American Union as Russia.

Between the two young powers, for which a mighty future is waiting, there are very natural sympathies, supported and called forth by mutual interests. Between them there is not and cannot be any unpleasant accounts to settle; but they may very easily be objects of attack from the same enemy. In the present time the American republic is an active member of the family of nations, indispensable to the preservation of political equilibrium, even in our part of the world. If in England, even at the present time, the question is raised whether they acted wisely in not giving open aid to the rebellious States, in Russia the cause of the southern States has never met with sympathy; but, on the contrary, all our sympathies were on the side of lawful authority endeavoring to re-establish the national unity. The issue of the contest was favorable to the cause of civilization, and brought about the abolition of slavery. The ending of the American rebellion has exercised an undoubted influence on European politics during the past year. England, and still more France, were obliged, willingly or not, to fix their relations with a republic which had displayed such amazing power and such wonderful energy, the more so as they had given such clear evidence of their ill will and unfriendliness. Both England and France counted on

* Despatch of Prince Gortchakoff to M. Stoeckl, Russian minister at Washington, dated St. Petersburg, June 28, 1861.

the dissolution of the American Union. England was not unwilling to aid in every manner to bring about this result, while France apparently considered it as already attained. Relying on this erroneous conclusion, she undertook the so-called renaissance of the so-called Latin race in the New World, and thought by her interference to found a new Mexican empire. By this act France has compromised herself in her relations with the United States more than England, and for her the triumph of the Union arms was particularly disagreeable. At first it appeared as though the two western powers intended to draw nearer together, in view of the common danger. Their fleets did, indeed, exchange visits in Portsmouth and Cherbourg: but with this demonstration everything ended. England was not slow in arriving at the conviction that, by an intimate alliance with France, not only would she fail to smooth over her unjust acts towards the American republic, but would irritate her still more. Policy, it seems, demands that England withdraw as much as possible from France, and leave to the latter the entire responsibility for her Mexican schemes. England apparently intends so to act, especially since the death of Lord Palmerston, one of the principal originators of the anglo-French cordial alliance. The death of another active mediator between France and England, who more than once settled their difficulties, Leopold, King of the Belgians, must tend to weaken still further the friendly relations between France and England, especially if we take into consideration that France, as we are assured, even before the death of Leopold, brought forward her pretensions to Belgium in her correspondence with the Berlin cabinet.

Judging by the press of England, public opinion in that country is by no means at rest regarding the future of Belgium. As relates to France, for her, sooner or later, remains the bitter acknowledgment that in her Mexican expedition she counted without her host; and that this entire undertaking, which has cost so much sacrifice of men and money, and aroused such agitation in the French nation itself, was baseless. With the removal of the French troops from Mexico, Maximilian's empire will no doubt fall to pieces itself. The failure which threatens the Emperor Napoleon in this affair will be a blow all the heavier to his power and the interests of his dynasty, in that the Mexican expedition was his personal affair, in which the French nation took no interest. In this lies the danger for Europe's peace. The desire to gloss over his failure may easily bring about new undertakings in Europe. Napoleon's love of peace does not inspire particular confidence in any one's breast; and the Times, in surveying the events of the past year, contents itself with the remark that the French government has not yet found a convenient opportunity for active interference in the affairs of European nations.

[From the Moscow News, January 20, 1866.]

Language was given to man, says Talleyrand, for the purpose of concealing his thoughts. At the present time the Emperor Napoleon, and especially his ministers, are seriously occupied in hiding from the public the extremely difficult position in which they are placed by the Mexican enterprise, and to smooth over in the eyes of the French people, even, to some extent, the decisive failure awaiting France in this affair.

To do the French government justice, it has gilded to the utmost the bitter pill which France is to swallow. It has known how to represent France to the French public—as the ruling power of Europe, and the patroness of all her nationalities; before the foreign world as a power which, by its wise moderation, has completely succeeded in dispelling the previous distrust of Europe toward Napoleonic France.

But it cannot escape the penetration of attentive readers, that 'tis difficult to call the moderation of Napoleonic France a merit.

France has, indeed, during the past two years, not exceeded the limits of prudence and moderation; but she was kept within these limits by the distrust with which foreign powers watched her every step, by the difficulties threatening her from the other side of the Atlantic, and, finally, by her own financial difficulties, from which she is but just emerging. At the present time there is no doubt that Napoleon's desire of peace is especially connected with difficulties arising out of the Mexican expedition.

The imperial speech and the account of the condition of the empire was intended, first of all, to produce a good impression on the public mind in America, and to prepare for an honorable retreat from Mexico. This intention is apparent in every word uttered in relation to Mexico by the Emperor, and by his minister of foreign affairs. From them we hear continual allusions to the ancient friendship of France and America, and expressions of good will to the latter; and mention is made of an imagined similarity in the constitutions of both powers—a fact, however, which no one had hitherto remarked. The Mexican expedition assumes the most modest form possible, undertaken merely for the purpose of obtaining certain indemnities from Mexico, which France considered she had a right to demand, and by no means for the purpose of imperial propagandism, or the renaissance of the so-called Latin race in the New World, about which the Emperor once wrote to Marshal Forey. It is also said that the United States were invited to take part in the enterprise—the United States, who were obliged at that time to strain every nerve for the preservation of their national unity! In conclusion, a hope is expressed that the people of the United States will understand that the expedition is by no means hostile to their interests, and that "two nations, equally jeal-

ous of their liberty, should undertake nothing which would implicate their honor and dignity." The Americans, no doubt, regret that this edifying little maxim did not occur to the Emperor before undertaking the Mexican expedition, a proceeding in every respect so offensive and so unfriendly to the great republic, and that it did not save France from making repeated proposals to Russia and England to recognize the southern confederacy as an independent nation.

France, first of all, put forth the idea of establishing an empire in Mexico. She prevailed on the Archduke Maximilian to accept the Mexican crown, and succeeded in overcoming his opposition only by assuming the obligation of supporting his throne, and now she is obliged to desert him, in view of the countless dangers awaiting him, not only in the country itself, but from the United States. Up to this time the Washington cabinet rejects every compromise in regard to a French army in Mexico, founded on a recognition of the Mexican empire, or any pledges in its favor.

The Emperor Napoleon, in the very beginning of his speech, says that a general peace seems assured; but the insignificant reduction of the army undertaken by him at the end of the year 1865, and which yet cannot be said to serve as a proof of peaceful intentions, answers very poorly to those words.

On the occasion of the reduction of the French army the Times very justly remarks that France, and France alone, is the cause of those immense armies that burden Europe beyond the power of endurance.

It is quite interesting to compare this remark with a sentence of the same paper in favor of the friendly relations between France and England, the credit of which the imperial speaker takes to himself. "France and England are of one mind," says the Times, "European politics are safe, and therefore we learned without surprise that the relations between France and the rest of Europe were perfectly peaceful." This sentence is of as doubtful a character as the remarks about armies is true. He who remembers the events of 1853–'56, and 1859, will not conclude that this lauded good feeling between France and England is the forerunner of peace and quiet for the rest of Europe. But where is the first blow to fall?

Mr. Seward to Mr. Clay.

No. 191.] DEPARTMENT OF STATE,
Washington, March 6, 1866.

SIR: I have received with great satisfaction your despatch No. 99, of the 6th of February, and its accompanying report of the proceedings at the banquet given by the merchants of Moscow to the American legation and the mayor of that city.

The details of this feast have been already indirectly published, and they have excited an influence favorable to the present growth of friendship towards Russia, which is even now a unanimous sentiment of the American people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 106.] LEGATION OF THE UNITED STATES,
St Petersburg, Russia, March 12, 1866.

SIR: I take the liberty of sending you some more extracts from the journals of the day, translated by Mr. Curtin.

Mr. Curtin and myself were invited by the Society of Merchants of St. Petersburg to dine with them on the occasion of the anniversary of the coronation of the Emperor, (the accession to the throne,) and the liberation of the serfs. We were received with great enthusiasm, and both made honorary members for life. The Invalide is the Russian official paper. Bancroft's allusion to Russia is well received here.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation from the Russian Invalide, February 19.]

To-day all Russia, from the White to the Black sea; from the Carpathian fountains of the little Polish river Varta to the distant mouth of the Amoor, raises to heaven her voice in thanksgiving and prayer.

The 19th of February is one of the grandest and brightest days in the annals of our nation. Ten centuries have passed away since Russia began her career. Centuries will yet roll on, and generation follow generation, but neither Russia nor history will forget this glorious and memorable anniversary.

Let us but call to mind our condition eleven years ago, on the eve as it were of the 19th of February. Dark, leaden clouds hung over our land. All Europe was opposed to us. England, with all her navy, was sweeping along our coasts; France had sent out against us her most chosen warriors; Turkey was striving to pay for the thousand defeats she had suffered in times gone by; Russia was straining every nerve: the treasury was empty; commerce at a stand-still; every one disheartened. But amid these bitter visitations Russia examined closely her diseases, her thought ripened, the causes of failure were defined. the key to the problem seemed to have been found, when suddenly he who had ruled Russia for thirty years passed from the scene.

Still darker and heavier was the cloud hanging over Russia.

But the dawn of the 19th of February began to appear. Light began to shine amid the darkness. The morning of a glorious day was at hand. Our deepest wound, through which flowed the nation's best blood, was stopped. An exhausting war was brought to an end. Russia breathed more freely, but not with entire freedom, since one-third of her population was in bondage, and the sad condition of this third exercised a corrupting influence both on the moral and material life of the whole nation.

The first inevitable step toward regeneration was the abolition of serfdom. Without this all succeeding measures were impossible. But this great work was surrounded by most serious dfficulties. Twenty-two millions of serfs were scattered over a territory greater than the rest of Europe. The immense distances caused serious delay. Again, these twenty-two millions were living under conditions of infinite variety. There were the agriculturists of the steppes; the fishermen, by the sea-shore: traders, carrying on business of hundreds of thousands of rubles; the poor peasants of White Russia who, oppressed by Polish landlords, scarcely knew what it was to eat bread; as well as skilful mechanics, and persons respectably educated. The legislative power was obliged to take into consideration conditions, situations, and demands of the utmost variety. Besides a population of fifty-five millions, homogeneous in language and origin, there were on the border lands of Russia certain foreign races, certain territories, which had a separate historical life. Besides, there were various financial difficulties to be met, there were private interests to be protected as far as possible; and the prejudices, which are so powerful in every human society, also presented their claims.

Above all was the difficulty of breaking away from the old-established order of things, and the preparation for all contingencies in the new.

The difficulties of the situation seemed insurmountable. Men who were intimately acquainted with the progress of the labors preparatory to the great reform did not believe in the possibility of their realization. People who heard but indistinct rumors of these labors did not dare to believe that happiness was so nigh.

Many persons of wisdom and experience feared that on emancipation there would be disorders and bloody tumults in the streets, and famine in the land. People by no means of a timid nature were for taking measures for the preservation of the public safety. Our enemies, both at home and abroad, were jubilant, laying their mines and preparing for action. At last the manifesto of the 19th of February appeared, in which, among other things, was contained the following language:

"We confide in the generous devotion to the common weal ever shown by our faithful nobles, to whom we feel constrained to express our gratitude, and the gratitude of the whole nation, for their disinterested co-operation in carrying out our designs. Russia will never forget that her nobles, actuated solely by their respect for the dignity of man and love to their neighbors, voluntarily relinquished the rights they had enjoyed under the former laws of serfdom, and have laid the foundations of a new future for the peasants.

"We confidently expect that their future efforts will be employed in the same noble spirit in carrying into effect the new ordinances and maintaining good order in a spirit of peace and benevolence. We confide in the good sense of our people."

When the first news of the reform went abroad through the land, there were at first some misunderstandings. Certain persons thought of liberty without remembering its duties. But the good sense of the nation at large neither wavered in the conviction that he who enjoys the benefits conferred by society ought in return to perform the obligations imposed by society, nor forget that according to the laws of Christianity all should submit to lawful authority and render each one his due.

Sign yourself with the sign of the cross, pious and faithful people, and join with us in calling down the blessing of God on your henceforth free labor—the pledge of your own prosperity and the public good.

The confidence of the Emperor has been fully justified. The fears of loyal men and the malicious hopes of enemies are shown to have been alike unfounded. We who have been

eye witnesses of the great event know that there was but one powerful movement of the emancipated people, and that was to the churches, in order to offer up their ardent prayers for the author of the national joy.

Europe, with envy, in doubt and fear, was witness of the success of a reform which in other countries could have been effected only by shedding rivers of blood, or after long years of obstinate and continuous struggle. She envied and knew not what to think of a country which could make such a gigantic stride in advance with such firmness and rapidity. She was astounded at the unconquerable force of harmony, for by this force alone was it possible to pass through such a reform. Still, notwithstanding the evidence, she doubted. There were many thinking and observing men in Europe who felt sure that Russia, shaken to her centre by the decree of February 19th, was ready to drop to pieces at the slightest shock from without. Immediately intrigues were set on foot in Poland.

But events showed that they were sorely deceived. When an armed insurrection in Poland miscarried, a diplomatic storm of unparalleled fury was raised in the west. European powers, great and small, seized their diplomatic thunderbolts and hurled them at us with an insolent confidence in our destruction. What was the result? They found not a crumbling mass ready to scatter like dust at the first shock, but a living, thinking body, quietly developing its strength, which on the 19th of February was increased one-third; for this glorious day gave civil rights to one-third of the population of Russia. The diplomatic tempest was stilled, leaving us in quiet to continue the development of our country.

And still there was much to do; for, in the language of the imperial manifest of the 19th of February, "the most beneficent law cannot make a people prosperous if they labor not to establish their own prosperity under the protection of the law."

The decree of February 19, 1861, freed from three centuries of serfdom a male population of 10,915,687, and a female one of upwards of eleven millions. It was necessary to arrange for them—to examine their demands, to satisfy their wants, and to define their rights. In the performance of this immense task the nobility have fully justified the confidence with which the imperial liberator honored them.

Only five years have elapsed since the emancipation, but, owing to the efficiency of organization employed, the great work has progressed as rapidly as the most sanguine could have hoped. If we turn to figures, those simple but most convincing witnesses of results obtained, we find that 5,745,029 men have not only become free citizens but land-owners; and 4,030,988, while enjoying all the privileges of the class just mentioned, are still under certain obligations to their former proprietors—those obligations being strictly defined by law. About one million persons have been provided for in other ways, according to their wishes and desires.

All the Crown peasants, however, employed and distributed throughout the empire, have been freed, each one receiving his share of land. Also the peasants beyond the Caucasus, those attached to factories, mines, and all the different forms of servitude which grew up gradually in the course of centuries.

Amid the general change in the conditions of the entire agricultural class, that strong conservative element in a state, the great reformer did not forget our Polish brethren.

Beginning with the year 1861, a series of legislative measures were indicated relative to the Polish serfs. Unfortunately the local influence of the petty nobility was far from seconding the wishes of the supreme power. But the day of this petty aristocracy had passed. The Polish serfs received their liberty two years ago, also on the great day of the 19th of February. The people felt themselves free, not on paper alone, but in reality, from the yoke of their former task-masters.

By virtue of the decree of February 19, 1864, 451,170 families of Polish serfs were furnished with land; so that, reckoning each family at five persons, a population of two millions and a half of both sexes have received the blessings of freedom, together with the means of independent livelihood.

Up to the 19th of February, 1864, there were 1,330,000 of landless laborers in the kingdom of Poland; now their number does not exceed 750 persons of both sexes.

Here, in a few words, we have the results of the two great days, February 19, 1861, and February 19, 1864. If to the material benefits arising from this emancipation we add the moral advancement, the mental resurrection of an entire third of the population of Russia, together with the opportunity of progress, the benefits accruing to Russia from the 19th of February will appear beyond calculation.

It is sufficient merely to mention, in passing, the great events and measures of the past five years—the pacification of the Caucasus, the abolition of capital punishment, a complete reform in the courts of justice, a new arrangement of the universities, gymnasia, and common schools, freedom of the press, and self-government in matters of local economy. Either of these reforms would have been sufficient to mark an era in the nation's history; but all taken together, and preceded by the great measure of liberation, so faithfully carried out, form one of the brightest periods in the history of Russia.

And Providence has blessed the great originator of these national events. Never yet have the Russian people felt so deeply their unity; never yet have they been so clearly conscious of their grand political significance. If, for a moment, we cast aside and forget the bitterness of this every-day life, we cannot but reverently incline before the great spectacle of a

unanimous. swift, and triumphant advance of a whole people in sincere union with their illustrious leader.

On this great day of the 19th of February, all Russia, raising her ardent prayers to the throne of the most high God, looks forward with unshaken faith to her mighty future.

[Translation from the Russian Folio, February 22.]

ANNIVERSARY DINNER AT THE MERCANTILE CLUB, ST. PETERSBURG.

On the 19th of February, a day glorious in Russian history, (the anniversary of the succession of the Emperor Alexander II to the throne, and the anniversary of the abolition of serfdom,) a grand dinner was given in the hall of the Mercantile Club of the city of St. Petersburg.

Among the guests at this dinner were the American minister, General Clay, and the Secretary of legation, Mr. Curtin.

The arrival of the representative of the American people, a people whom we Russians sincerely love and esteem, was exceedingly gratifying to all present. When the time for toasts had arrived, the president of the club, Mr. Nikitin, proposed toasts to the health of the Emperor, the Empress, and the imperial family, which were received with unbounded enthusiasm.

Next in order came a toast to the prosperity of Russia, which was followed by one to the success of the club.

Mr. Glazunoff, one of the members, now arose and spoke as follows:

"GENTLEMEN: Since the 19th of February is a day dear to all Russia, the day of freedom for Russian serfs, let us again raise our glasses in honor of our sovereign, Alexander II, in the fullest sense of the word an imperial man, whose noble figure will appear in history in the true grandeur belonging to a monarch who has done and is doing so much to elevate and ennoble his subjects."

This toast was received with continuous and enthusiastic cheering, which lasted severa minutes.

Mr. Pribitkoff, president of the assembly of nobles in the Voronej government, arose, and expressing in the most cordial terms the warm sympathy of the Russian people towards the people of the United States, together with his conviction that on account of the friendly relations between Russia and America, Europe would be forced involuntarily to observe the principles of non-intervention in the affairs of these two powers, and concluded by offering a toast to the strengthening of the bonds of friendship between Russia and America.

To this toast Mr. Curtin, the American secretary of legation, responded as follows, in the Russian language:

"GENTLEMEN: In this assembly, and on the present occasion, it seems to me unnecessary to dwell either on the causes or the significance of the friendship between Russia and America. That it is sincere and heartfelt no one of us can doubt, and in the present century, when moral influence is steadily gaining in strength, every statesman will agree that the united voice and sentiment of Russia and America possesses a value and an efficacy which form a new element in the politics of the age.

"With your permission, gentlemen, I shall, therefore, speak of Russia alone. In the beginning of the past winter, shortly after my arrival at St. Petersburg, for the first time I heard your national opera, 'Life for the Czar.' After witnessing the principal scenes, where I saw the self-sacrifice and death of Susanin, and the triumphal entry into Moscow of the young Czar, amidst the blessings of a delivered people, I could not but exclaim to myself how remarkable and how beautiful was the origin of the house of Romanoff. In a time of peril and danger, when a merciless enemy was hoping to ruin and enslave Russia, Michael Feodorovitch Romanoff, by the unanimous voice of his countrymen, was chosen Czar.

"The life of the newly elected monarch being in danger, a simple peasant, John Susanin, gladly laid down his life that the nation's chief might live. At the present time, when Russia, powerful and firmly established, fears no enemy, Alexander Nicoláievitch Romanoff, the descendant of him whom Susanin saved, in granting liberty to all peasants, has given them life in the highest sense of the word, and thus nobly repaid the debt of gratitude incurred by the founder of his line.

"Where in history are we to seek for a similar example? Where are we to find such a bond of union between an emperor and his people?

"Since the greatness and development of Russia began with the house of Romanoff, and since one of the principal supports of this house was the toiling and devoted peasantry, the men who did the work and fought the battles on this ever memorable day in Russian history, on the 19th of February, the anniversary of the succession of the present beloved Emperor to the throne, and the anniversary of the day when the serfs of Russia became freemen, permit me, gentlemen, to offer the following sentiment:

"May your country, free and powerful, flourish through all coming time. May the house of Romanoff, which has seen the rise and growth of your greatness, ever continue to direct

the destinies of your nation, and assist in the path of progress those new-born freemen, whose birthday we celebrate to-day."

At the conclusion of Mr. Curtin's speech, which was received with unanimous applause, General Clay proposed a toast to the health of Prince Gortchakoff, a statesman who, with the most distinguished success, had repelled all attempts at foreign intervention in the affairs of Russia.

A toast to the health of General Clay, the representative of the American nation, was now proposed, and drank with most hearty and prolonged cheering.

Among other guests at dinner was General Khruloff. His presence called to mind the heroic defence of Sebastopol, and all proposed a toast to the heroes who took part in that memorable defence. To this General Khruloff replied in a speech of great feeling, and concluded by saying that he was proud to be of the number of those who were ready to lay down their lives for the defence of Russia and for our noble and good Emperor.

At the conclusion of General Khruloff's speech Mr. Glazunoff made the following remarks:

"History shows that our country does not lack its heroes. From the time that Yermak brought as a gift to the footstool of John IV the immeasurable plains of Siberia, our people are advancing to the east and the south. Gentlemen, let us drink to the health of General Tschernyeff, who is opening a path to civilization and industry in the heart of central Asia."

This toast was received with unbounded enthusiasm, and a telegram was immediately sent to General Tschernyeff informing him of this fact.

Before the breaking up of this assembly General Clay and Mr. Curtin were unanimously elected honorary members of the club.

[Translation from the Russian Invalide, February 23.]

An event of universal interest has recently taken place in Washington, an event which has attracted as well the attention of Europe as of America.

It was arranged that the anniversary of the birthday of the late President Lincoln should be celebrated in the most solemn manner. All the public dignitaries, the President himself, and the foreign ministers, were assembled in one of the halls of Congress. To Mr. Bancroft, the able historian of the United States, was assigned the duty of preparing an oration in which an estimate was to be passed upon the life and services of the departed President.

This task was accomplished by the orator, as it seems to us, with distinguished ability.

Occupying no official position, he spoke as a private person, and was the organ neither of government nor of Congress.

As his only endeavor was to express faithfully the popular feelings of the nation, his discourse was free from those diplomatic circumlocutions with which official documents abound.

Passing in review all the trials through which the United States had passed during the course of the rebellion, Mr. Bancroft naturally referred to the policy pursued by the different European powers, and told the audience, with perfect sincerity, what the public opinion of America was in reference to that policy.

He did not conceal the deep sympathy the people of the United States feel towards Russia—sympathies which are the more genuine, in that they are called forth not only by the good will which Russia has never ceased to manifest towards the transatlantic republic, but also by much that is common in the destinies of the two nations. The orator spoke of the abolition of serfdom as one of the grandest acts in history, which, together with the numerous reforms of the present reign, opens a new era of prosperity and development to the Russian people. These words were received with the most hearty applause—applause to which our people cannot be indifferent, for there is not the remotest reason to doubt its sincerity.

When Mr. Bancroft reviewed the course of France and England, with genuine American frankness he recounted the reason why the American people are indignant at the course pursued by the powers of western Europe. The establishment of an empire in Mexico; the part which England took in regard to the confederate armies, her readiness to recognize the insurgents—all this was set forth by the orator in terms which, perhaps, in Europe might have seemed too incisive and not sufficiently temperate. The effect was all the more striking, in that it was impossible to consider the orator as speaking for himself alone. According to the Times correspondent, Mr. Bancroft was enthusiastically applauded by the audience, in presence of the President and the principal dignitaries of the republic. This event—for it is impossible otherwise to designate it—produced a profound impression, and it is said that certain diplomats considered it their duty to protest against a speech which they were obliged to hear from beginning to end.

[Translation from La Presse, January 31.]

THE UNITED STATES AND RUSSIA.

We printed yesterday a characteristic article from the Moscow News. The details which we have received to-day increase the importance of this production.

The Russian Invalide, for example, finds that the imperial discourse is not so pacific as one might suppose; this opinion it does not support by any serious reasons.

In reading these lines 'tis easy to discover the same idea as in the Moscow News.

The characteristic fact, however, is the triumphal journey made in Russia by the American minister, General Clay.

Here is an extract from a St. Petersburg letter:

"At the banquet given at Moscow by the merchants of that city, several speeches were delivered. In the speech of the president of the Exchange committee of Moscow, Mr. Lyaminè, the following language was remarked: 'The Americans have shown by their friendly reception of our fleet in the United States, that Russia was dear to them, and Russians welcome to their shores. Let us answer with the same feelings, and show our gratitude to the citizens of the great American republic. To the health of the esteemed and worthy President of the United States, Andrew Johnson.' "

A telegram was immediately sent to the American President, informing him of this toast.

General Clay answered the speech of Mr. Lyaminè. He compared the President of the United States to the Emperor Alexander the II. He said it was the fortune of both of these rulers of two great nations to have devoted their lives to the liberation of the enslaved, and to the elevation of the whole people to equality before the law. "I cannot but regard this coincidence as the work of that Providence which inscrutably designs and ever advances, in monarchies and in republics, the liberties and the civilization of the human race. Let us bow in reverent submission to the divine will, and hold forever dear the friendship between the people of Russia and America."

We think it our duty to present these facts to the attention of Europe; they appear to us to have a real importance in the politics of the western powers, and in view of certain events, there is no doubt that this importance may be increased.

An alliance between Russia and the United States is an event destined, in our opinion, to bear with a decisive weight in the negotiations pending between Paris and Washington.

It is from this quarter that difficulties between France and the United States relate most profoundly to questions which for many years have troubled Europe.

We, however, but note the signs of the times; it is for European diplomacy to consider them.

[Translation from Journal des Debats, January 30.]

We find in the Moscow News the details of a banquet given by the merchants of that city to the legation of the United States.

It is with veritable enthusiasm that Mr. Catkoff, in his journal, speaks of the toasts to the health of the Emperor Alexander and President Johnson, and of the friendship between America and Russia. It is difficult, he adds, to describe the emotion produced by the speeches accompanying these toasts, which give such a grand significance to the fête, and which will find an echo in every patriotic heart in Russia and America.

As may be well supposed, we should not have noticed this language if it had been merely an exchange of compliments *inter pocula*. Our readers know very well that in ordinary cases, when the champagne has ceased to sparkle, the enthusiasm is gone. But this was an affair of quite a different character, and the sober commentaries of the Moscow News are not without much importance.

The journal describes, with a very natural satisfaction, the condition of the cordial friendship between the United States and Russia. The geographical situation of the two countries does not leave the possibility of conflicting interests which often result from too close a neighborhood. In this the past is a guarantee for the future, and if there is an alliance indicated by the nature of things, it is surely that of these two powers. After these generalizations, the Moscow News adds in reference to recent events:

"When civil war raged in the United States, what malicious confidence was expressed on this side of the Atlantic in the final destruction of the young giant. What bold calculations were made, what changes were planned, and even carried into execution in their neighborhood. But what confusion the triumph of the United States caused in these same spheres, among political plans drawn up in view of the disasters of America! 'Russia alone it was that never wavered either in her friendship for the United States or in her conviction that their cause would triumph. From her alone they heard sincere words of sympathy and encouragement.' We quote the language of an American, (Mr. Curtin,) spoken in Russian. We know how this friendship was prized, and what a reception was shown to our seamen when they arrived in America, at a time when Russia herself was an object of hostile designs, and when her enemies had hoped, by the aid of threats and domestic treason, to carry out their plans."

This passage, which alludes evidently to France, is worthy of all attention from statesmen. It sufficiently indicates what the Russo-American alliance may become, and shows how closely Russia watches our politics in order to profit by our errors.

Mr. Clay to Mr. Seward.

[Extract.]

No. 107.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, March 12, 1866.

SIR: I am in receipt of your despatch No. 188. I am gratified to hear that you were interested in my views given in regard to home politics.

We have news of the President's veto of the Freedmen's Bureau bill, and the public excitement, and we have also the veto message. In such an emergency I venture to say that I approve the message most heartily, *and I stand by the President.*

* * * * * *

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Clay.

No. 201.] DEPARTMENT OF STATE,
Washington, April 9, 1866.

SIR: Your despatch of the 12th ultimo, No. 106, and its accompaniments, have been received. The translations from the journals of St. Petersburg have been attentively read. They contain a very interesting account of the dinner given by the Society of Merchants of St. Petersburg on the occasion of the anniversary of the coronation of the Emperor and the liberation of the serfs. This government learns with pleasure of the renewed assurance which has been given by the merchants of St. Petersburg to yourself and Mr. Curtin of the friendship of Russia for the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c. &c. &c.

Mr. Clay to Mr. Seward.

No. 110.] LEGATION OF THE UNITED STATES OF AMERICA,
St. Petersburg, Russia, April 22, 1866.

SIR: Your despatch No. 199 is received, and put in the way of execution.

On the 4-16 of April instant, just as his Imperial Majesty was ascending into his carriage after his usual walk in the summer garden, where he goes usually alone, his life was attempted by the firing of a pistol in the hands of a person whose name and antecedents are yet unknown, though he was immediately secured. A peasant, lately liberated by the great act of his Imperial Majesty, from one of the interior provinces, named Ossip Ivanovitch Komissarow, had stopped at the gate of the summer garden to get a first sight of his liberator. He saw a man earnestly passing through the crowd towards, and at length aiming a pistol at, the Emperor. By a sudden blow Komissarow struck the arm of the assassin upwards, and the pistol ball failed of the mark, and was sent upwards into the air, and his Majesty was saved and the assassin seized.

The excitement all over the city and country, through Russia, and through all Europe, has been intense. Thousands of the people at once assembled at the winter palace, hurrahed till his Majesty showed himself again and again on the

balcony. There they camped all night and the next day, renewing the demand to see the Emperor, and as fast as one vast multitude saw their much loved ruler, another succeeded. Twice I drove to the neighborhood of the palace. I never before saw a larger mass of people together, all intensely silent at the time, and looking steadily towards the balcony where the Emperor was expected to appear. And so continued the excitement, amid all ranks, till I suppose, successively, every man almost in St. Petersburg, from the Emperor's brothers to the lowest workman, had seen their illustrious sovereign. Of course all the military and civil officers of the city called upon the Emperor, and so did the diplomatic corps and the representatives of the church. At a great assembly of the nobles at the palace, the Emperor in person returned his gracious and grateful thanks to Komissarow, and pronounced him a noble from that hour, amid the unanimous acclaim of all present. Addresses of congratulation have come in from all Russia and all Europe by telegram and post. The different "colonies" of foreigners here, and the Americans among others, have sent in their addresses to his Imperial Majesty, and all have been gratefully and graciously received and answered.

I expect to hear from our own land, which owes so much to Alexander the II, and shall wait impatiently to be the bearer of the words of emotion which fills the hearts of the millions of the great republic.

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Clay.

No. 208.] DEPARTMENT OF STATE,
Washington, May 3, 1866.

SIR: In an interview with Mr. Edward de Stoeckl, we have received an official confirmation of the exciting report that on the 4th of April last an unsuccessful attempt was made to assassinate his Majesty the Emperor of Russia.

This intelligence is received by the President of the United States with profound concern. That concern is increased by the circumstance, apparently authentic, that the infamous attempt was perpetrated from motives of revenge against the government of Russia for its successful suppression of slavery throughout the empire. In every respect, then, except in its failure, this crime is paralleled with that of the assassination of our late and lamented President Abraham Lincoln.

The President desires that you will ask a personal interview with his Majesty, and in the name of the United States congratulate him upon the escape which Divine Providence vouchsafed to him, and assure him of the sincere respect, affection, and friendship of the American people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Clay.

No. 211.] DEPARTMENT OF STATE,
Washington, May 28, 1866.

SIR: Gustavus V. Fox, Esq., Assistant Secretary of the Navy, who it is understood is about to proceed to St. Petersburg in a ship of war, has been

made the bearer of the official copy of the resolution of Congress congratulating the Emperor of Russia upon his recent escape from assassination. A copy of the instructions to him from this department is enclosed. You will ask an interview for him with the Emperor, and if it should be granted, you may accompany him on the occasion if you should think proper.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Seward to Mr. Fox.

DEPARTMENT OF STATE,
Washington, May 28, 1866.

SIR: It has been deemed advisable to take advantage of the visit which it is understood you are about to make to St. Petersburg, to send by you an official copy of the resolution of Congress congratulating the Emperor of Russia upon his recent escape from assassination. The copy is consequently transmitted by this post.

Mr. Clay has been instructed to apply for an interview in order that you may present the copy to the Emperor. If the application should be successful, you will make suitable but brief remarks on the occasion. It is probable, however, that a copy of them will be required beforehand with a view to an answer if any shall be thought proper. A letter introducing you to Mr. Clay and a special passport are herewith enclosed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

G. V. FOX, Esq.,
Assistant Secretary of the Navy.

JOINT RESOLUTION relative to the attempted assassination of the Emperor of Russia.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America has learned with deep regret of the attempt made upon the life of the Emperor of Russia by an enemy of emancipation. The Congress sends greeting to his imperial Majesty, and to the Russian nation, and congratulates the twenty million of serfs upon the providential escape from danger of the sovereign to whose head and heart they owe the blessings of their freedom.

SEC. 2. *And be it further resolved*, That the President of the United States be requested to forward a copy of this resolution to the Emperor of Russia.

Approved May 16, 1866.

Mr. Clay to Mr. Seward.

No. 112.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, May 31, 1866.

DEAR SIR: Your despatches to No. 209, inclusive, are received.

In reference to 208, I at once sent note No. 100 to Prince Gortchacow, who promptly responded that the Emperor would give me an audience.

The Emperor on the 29th instant, coming in from Tzarsko-selo, gave me a special audience at the winter palace.

My address and his imperial Majesty's reply are made (A A) a part of this despatch.

His Majesty, after the more formal addresses, in a familiar conversation expressed his high admiration of the ability and statesmanlike policy of the President, saying that a magnanimous and conciliatory policy towards the South seems to be the only secure restoration of the Union.

The Emperor reads all the prominent journals each day, and marks with red pencil all the paragraphs to which he desires to call the special attention of the several departments. The Russian journals are full of the discussion of our affairs; and the Emperor is thoroughly conversant with the policies of the President and the Congress.

The Russian journals laud very much your conduct of the French-Mexican correspondence, and the summary settlement of Austrian intervention.

Very truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—You will observe that I avoided alluding to the nobles or serfs in this matter; because it is the policy of the government to heal up all differences between classes.

CLAY.

A A.

Address of C. M. Clay.

YOUR IMPERIAL MAJESTY: I am instructed by the President of the United States in this personal interview to say to your Majesty that he has heard of the events of the 4th of April last "with profound concern;" and I am ordered, "in the name of the United States, to congratulate" your imperial Majesty "upon the escape which Divine Providence has vouchsafed" to your Majesty, and to assure your imperial Majesty "of the sincere respect, affection, and friendship of the American people."

I need not assure your imperial Majesty that these words from the President and people of the United States reflect my own sentiments, for we are all unanimous in our aspirations for the preservation of your imperial Majesty and your imperial Majesty's dynasty, on which are founded our hopes of the future advance of Russia and the eastern world in civilization, in Christianity, and in happiness.

Reply of His Imperial Majesty.

The unhappy events of the 4th of April are not without compensation. I thank God for his merciful interposition in my behalf, and next my heart is filled with gratitude and pleasure in view of the sympathy which has been called forth by these sad events, not only from all classes of my own people, but from other nations. The words of sympathy are most heartily appreciated which you bear me from the President of the United States and the American people. Under similar circumstances I assured them of my solicitude and sorrow, and I trust under Providence that these our mutual calamities will strengthen our friendly relations and render them ever permanent.

You will return, then, my sincere thanks to the President and the people of the United States, and accept yourself my grateful acknowledgments for the personal good wishes which you have uttered towards myself, my family, and my people.

LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, May 14-26, 1866.

The American minister has this day received a despatch from the Hon. William H. Seward, Secretary of State, in which he informs this legation that in an interview with "his excellency Edward de Stoeckl," they "had received an official confirmation of the exciting report that on the 4th day of April last an attempt was made to assassinate his Majesty the Emperor of Russia," and that this intelligence is received "by the President of the United States with profound concern," &c.

And he concludes: "The President desires that you will ask a personal interview with his Majesty, and in the name of the United States congratulate him upon the escape which Divine Providence vouchsafed to him, and assure him of the sincere respect, affection, and friendship of the American people."

The American minister therefore begs his excellency Prince Gortchakoff, vice-chancellor and minister of foreign affairs, &c., to communicate these instructions to his imperial Majesty, and ascertain when it would be agreeable to his imperial Majesty that the American minister should have the honor to perform that pleasant duty.

The minister of the United States has the honor to assure his excellency Prince Gortchakoff of his most distinguished consideration.

C. M. CLAY.

Mr. Clay to Mr. Seward.

No. 116.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, July 14, 1866.

SIR: By note No. 4345, July 12, N. S., from his excellency M. de Westmann, of the imperial ministry, I am informed that Stanislas Pongoski, a Russian Pole and naturalized citizen of the United States, has been proved to have become our fellow-citizen without leave of the Emperor of Russia, and "by the article 367 of the penal code" he has been deprived of all the rights of Russian citizenship, and banished forever from the Russian empire, and this sentence has been put into execution. I don't see that we can complain, as it settles the debatable question of denaturalization virtually in our favor; and avoids unpleasant issues.

I am, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

His Majesty the Emperor to the President of the United States of America.

[Translation.]

PETERHOF, *August* 17, 1866.

I have received from the hands of Mr. Fox the resolution of the Congress of the United States of America on the occasion of the providential grace of which I have been the object.

That mark of sympathy has moved me sensibly. It is not alone personal; it attests once more the sentiments that bind the American nation to that of Russia.

The two peoples have no injuries to remember, but only good relations. Under all circumstances new proofs of mutual benevolence are added.

These cordial relations are as conducive to their reciprocal interests as to the good of civilization and humanity, and answer the designs of Divine Providence whose will is peace and concord among all nations.

It gives me a lively pleasure to see these ties constantly strengthened more and more. I have imparted my sentiments to Mr. Fox. I pray you to be my interpreter to Congress and the American people, whom it represents. Tell them how much I appreciate—and with me the whole of Russia—the testimonies of friendship they have given me, and how happy I will be to see the American nation grow in strength and prosperity by the union and constant practice of the civic virtues that distinguish it.

Accept, at the same time, the assurance of the high consideration with which I am your good friend,

ALEXANDER.

Mr. Seward to Mr. Clay.

No. 219.] DEPARTMENT OF STATE,
Washington, August 24, 1866.

SIR: Your despatch of the 14th of July, No. 116, has been received.

It informs me that the Russian ministry has given due notice of some order or decree to the effect that Stanislas Pongoski, a native of Russian Poland, and a naturalized citizen of the United States, has been proved to have become such citizen without leave of the Emperor of Russia, and that, in conformity with article 367 of the penal code, he has been deprived of all the rights of Russian citizenship and banished forever from the Russian empire; and that this sentence has been put into execution.

You remark concerning that proceeding that you do not see that we can make it a cause of complaint, insomuch as it settles the debatable question of denaturalization in our favor, and avoids unpleasant issues.

I am glad to see that the Russian government has accepted that important principle definitively. Certainly there is no cause of complaint to the proceeding, on our part, provided Mr. Pongoski does not feel himself aggrieved.

The case may, perhaps, demand careful examination if it shall turn out that the decree of perpetual exclusion thus pronounced against an admitted American citizen was based upon no other ground than his having voluntarily accepted that character under the Constitution and laws of the United States. In the meantime we may presume that political or other offences entered into the merits of the decree.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 117.] LEGATION OF THE UNITED STATES,
St Petersburg, Russia, August 30, 1866.

SIR: On the 27th July (8th August,) 1866, G. V. Fox, esq., Assistant Secretary of the Navy, and Messrs. Murray and Beaumont, and several other persons, were presented by me to his imperial Majesty at Peterhof. Mr. Fox presented the resolutions of Congress signed by the President of the United States, on parchment, and delivered the address* hereunto appended, marked A, to his imperial Majesty.

The Emperor of Russia responded:

"He congratulated himself that the sympathy existing between Russia and the United States is appreciated in America."

His Majesty added that "he was convinced that this national fraternity would be perpetual; and that for his part he would with all his efforts advance it." ("*y contribuerent.*")

The emperor expressed how "sensible he was of the testimony ('*un temoignage*') of personal affection which he had just received from Congress and the American nation."

"He thanked those who had come so far to bear him those words."

He assured them of "a welcome on Russian soil." And concluded by saying that "never should be effaced from his memory the hearty reception given to his fleet in the United States."

Secretary Fox and all the Americans here have been received, by prince and peasant, with the most enthusiastic demonstrations of admiration and love.

Secretary Fox has promised me a journal of his stay in Russia, which in due time I will transmit to you as a final report of this extraordinary mission to Russia.

I have the honor to be, sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., Washington, D. C.

Speech of Prince Scherbatoff, mayor of Moscow, at the great dinner to the Americans in August, 1866.

The great nation of the other hemisphere sends us her greetings—that glorious nation that has lately triumphed over her painful trial, and has astonished the whole world by that new

*For this enclosure see the close of Mr. Fox's report to the Secretary of the Navy.

demonstration of her gigantic power. Powerful by her inexhaustible resources, still more so by her undaunted spirit, and full faith in her future, the great North American nation has attained in the space of a few years what to others would have been the work of whole centuries, and has at once taken place among the leading nations of the civilized world.

Distant lands and the ocean divide us, but the spirit of men cares not for space, and notwithstanding the distance that divides our countries, our two peoples have long since united in thought and feeling.

With a lasting interest do we follow each other's successes; with mutual sympathy do we sustain each other in times of struggle; and we also unite to praise the glorious names of the great men whom Providence does in His mercy send at the times of great national trials. The name of Lincoln is one of such illustrious names. Untiring warrior for a sacred cause, he went forward, never losing out of sight his leading star, and his death has been the last tribute of his loyal service to his native country and to humanity.

But the great immortal idea has not perished with his life. Lincoln has bequeathed the accomplishment of his deed to his people—to his successor; and his last will is now nearly fulfilled.

May God Almighty help you to reap the harvest of your present glorious labors and endeavors. May He strengthen the ties of the revived union of your great nation; may the American people, blessed by peace, advance towards the accomplishment of his glorious historical calling, with his elected leader at his head.

We drink to the welfare of the North American United States and to the health of President Johnson.

Mr. Clay to Mr. Seward.

No. 120.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, September 13, 1866.

SIR: On Saturday last a grand dinner was given by the "English Club" (now Russian) to the Americans. This club comprises the aristocracy of Russia; and two hundred and fifty persons sat down. Prince Gortchacow presided. I was seated on his immediate right, and Assistant Secretary G. V. Fox on his immediate left; Count Adleberg, grand chargé and minister of the court, his imperial Majesty's first minister of the household, was immediately opposite Prince Gortchacow, Captain Murray, senior officer, on his right, and Commander Beaumont, of the Miantonomoh, on his left. The first toast was: "The health of the Emperor;" the second, "To the health of the Empress, of the Czarevitsh, the grand duke heritier, and all the imperial family." The third was: "To the prosperity of the American people, and to the health of their President, and of their representatives here—the ordinary and the extraordinary."

After dinner, according to custom, began the speeches. J. Tolstoy, the minister of telegraphs and ports, an old director, said: "Prince Alexander, son of Michael, our assembly begs you to express to our American guests the sympathy we have for them; we thank them that they have not refused our invitation; we rejoice that once more they have had an opportunity to witness the expression of the sentiments which Russia cherishes for America." Prince Gortchacow responded: "Gentlemen, our friends from beyond the Atlantic know the sentiments which their presence among us and the object of their coming inspires. These sentiments have been expressed to them by all the degrees of the social scale—there where mind ornaments thought, and where the heart only knows its primitive expression. They make themselves known as the echo of a single voice—mine could hardly embellish it. The exceptional act, unique in history, by which Congress has sent a message of affection to our sovereign, the choice of the person who has been charged with it, of whom all of us have appreciated the high distinction, calm dignity united to warmth of heart, the courageous skill of those who have directed the passage, in resolving a problem, which till now had eluded modern science; finally the fact that among us is found a representative of that nation, who, during a series of years and under all circumstances has given proofs of the highest desire to maintain the good understanding between the two countries—all that, gentlemen, completed work of harmony without disaccord.

"I rejoice at the presence of these gentlemen in our midst; for I believe that Russia loses nothing by being seen more closely (*de pres.*) Distance rounds the lines of the far horizon, but it prevents a thorough knowledge of the details of the situation.

"I congratulate myself that practical minds, strangers to all prejudice, have come to judge us as we are. They will have had also an opportunity of appreciating the sovereign, who is the greatest glory of the country, and the nation, who is his strength.

"It is said that good reigns constitute the blank pages of history. This saying is not absolutely true. If there is a reign whose every page is fruitful of reforms of high bearing in the interest of the interior organization; if there is a reign devoted in its present solicitude in view of a great future, it is that which to-day unites the affectionate and devoted sentiments of the country, because all of us have the inmost conviction that every interest of that noble existence is consecrated with unlimited self-denial to the well-being of our country. I will only cite among those many works the greatest of all, that of the emancipation, and I here ask our American friends the permission of an outbreak of frankness (*d'un elan de franchise.*) The message of the Congress contains an error, which can only be explained by the intervening distance, when they make mention of an 'enemy of emancipation.' The madman to whom allusion is made belonged to no nationality. He had no personal stake in the destinies of the country. He represented only the blind chance of his birth. In Russia, gentlemen, there exists not a single enemy of emancipation. The class upon which that measure has imposed heavy sacrifices have hailed it with the same enthusiasm as those who owe to it their liberty. That is a testimony which our sovereign was the first to render to his territorial nobility; and I believe, gentlemen, that in these walls, where are united the intelligence and interests of that class, there will no voice be raised to contradict my words.

"I need not insist upon the manifestations of sympathy between the two countries. They shine out in broad daylight. It is one of the most interesting facts of our day—a fact which creates between two peoples—I will venture to say between two continents—the germs of good will and reciprocal friendship which will bear fruit; which create traditions, and which tend to consolidate between them relations based upon a true spirit of Christian civilization. That understanding does not rest upon geographical neighborhood—the sea's abyss divides us; nor does it rest upon parchments—I find no trace of it in the archives of the ministry confided to myself; it is instructive; from this time I venture to call it providential. I approve of that good understanding (*entente;*) I have faith in its duration. In my political policy, all my cares will tend to its consolidation. I say cares (*soins*) and not efforts (*efforts*) when we have to do with a reciprocal and spontaneous attraction.

"One motive which leads me to proclaim aloud that *entente* is, because it is not a menace or a peril to anybody. It inspires me with no coveteousness, with no afterthought. The Lord has made the existence of the two countries upon such conditions that their great interior life is for them enough. The United States are at home invulnerable. That state of things does not alone depend upon the fact that an ocean rampart defends them from European conflicts, but upon the public spirit which there reigns upon the personal character of their citizens.

"America can experience no other evil than what she may inflict upon herself. We have veiled with black the melancholy pages of these latter times. We have seen with profound regret the struggle between the brothers of the north and the brothers of the south; but we have always had faith in the final triumph of the Union; and we hope for its durable consolidation from the efforts of the actual President, whose policy, breathing at the same time firmness and moderation, has all our sympathies.

"I allow myself to find also a certain analogy between the two countries.

Russia by her geographical position can be drawn into European complications. The chances of war may make us submit to reverses. Nevertheless I think that the same invulnerability exists equally for Russia, which she would at all times prove when the dignity and honor of the country should be seriously threatened; for then, as in all the crises of her history, the true power of Russia would be manifest. It does not consist only in the territorial vastness, or in the number of her population; it is in the intimate and indissoluble tie which binds the nation to the sovereign, and which consigns to his hands all the material and intellectual forces of the empire, as it concentrates in him to-day all the sentiments of love and devotion. I thank you, gentlemen, for the indulgence you have given my words whilst regretting that the sentiments which animate us have received so imperfect utterance.

"Before concluding, I desire that there should be no omission with which our American friends could justly reproach us if I should omit to devote some words of respect to the memory of President Lincoln; of that great citizen who has sacrificed his life in the discharge of his duty.

"Be pleased to allow me, in returning upon the health that we have already proposed, to give a toast to the prosperity of the United States; to the success of the work of pacification; to the actual President; to Mr. Fox, to whom has been confided a task which could not have been put into better hands; to Captains Murray and Beaumont, whose intrepid skill has insured the success of this distant voyage, as well as collectively to all those who have participated in it. I will not commit the ingratitude to forget the actual representative of the United States, now among us, who has constantly given us proofs of his affection for Russia.

"When our friends from America shall return to their homes, I desire that they shall carry with them and perpetuate the sentiments which they bequeath us; that they will tell their compatriots that a great nation will never forget the evidence of sympathy offered their sovereign; that they will never forget that which is found in the history of the two nations, the moment when we and our American friends have lived the same life, when they partook of our joys and shared our woes."

Assistant Secretary Fox spoke as follows:

"In the presence of him who has spoken in the name of Russia I should not say a word. My mission was finished when I placed in the hands of his imperial Majesty the resolution of Congress. In remaining in Russia to accept its hospitality and courtesy, I have assumed a duty very difficult and very delicate, that of representing faithfully, day after day, the spirit which dictated that resolution. Until after my return to Washington, and I shall have received the approbation or the blame of my government, I shall not know if I have been faithful to that obligation. That which I do know is, that everywhere in Russia, from the most elevated to the most humble, there has been unanimity in the welcome we have received. In the course of a reception without precedent even in this empire, the people, the great people, upon whose shoulders rests the national unity, has spread its wide sympathies before us as a garment spread under our feet. If there has been any shortcoming, it is on my part alone and not on the part of any Russian. And now to the word of welcome, and the bright skies which have accompanied it, have succeeded the word of adieu and the gloomy damp of winter which draws nigh; but beyond is the eternal sunshine. Human passions may in the future raise menacing clouds between the two countries. God grant that those who shall then have control of affairs may, like Paul, see a heavenly light shine above them, a diviner light emanating from the sympathies of these last days. When the gloomy night of civil war was spread over America, there was one statesman whose prophetic glance perceived the dawn of final victory. His words of sympathy, fallen into our hearts,

have there grown as pearls. He now approaches the evening of life; the glories of the setting sun, emblems of his career, shine around him. As by the grace of God the sun stood still for Joshua, so may it linger a long time before the eyes of the two nations that their gaze may be towards him, till God shall recall him to himself.

"I drink to the health of Prince Gortchacow."

Count Davidoff then delivered a long and complimentary speech to the Americans. It has been my policy and duty here to put forward Mr. Fox and his suite, and therefore I had not intended to say anything in response to the compliment paid me; but being called upon, I said:

"Gentlemen, I am not insensible to your kindness, but after the able and exhaustive speeches of my distinguished friends, Prince Gortchacow, Count Davidoff, and Secretary Fox, it only remains for me to return my thanks to the eminent minister of foreign affairs for the compliment he has been pleased to pay me. Having always been the friend of Russia, because she has always been the friend of my own country, I shall venture a word in the spirit which has pervaded all my political and social intercourse with this great nation. Peace seems to be deemed here, as with us, the true policy. With a people of more than seventy millions, with one language and one religion, strong in the love of their father and Emperor, Russia can treat with indifference the petty questions of the balance of power in Europe, and devote all her energies to the development of her civil, social, and material well-being. I propose as a sentiment, then: Commerce, agriculture, education, and manufactures—more powerful than arms to maintain the independence and liberties of a people."

Captain Murray said: "I thank Prince Gortchacow for his amiable compliments; he was incapable of expressing the sentiments which filled his heart.

"However, he would say, once for all, a similar occasion presenting itself to him, perhaps for the last time, that the gracious hospitality given to the officers here, as everywhere in Russia, has produced upon them such an impression as the most remote time will never efface.

"It has been very justly remarked that the sea has its dangers, but we have braved them only to *present ourselves to much greater dangers upon the land.* We are not sure whether there will be allowed us a like triumph after touching upon the rocks of Russian hospitality.

"Gentlemen, I propose a toast to the prosperity of this magnificent club, which, in its present organization, has so many things worthy of admiration. It would have been preferable, perhaps, if it had borne another name, but 'the rose under whatever name smells as sweetly;' so, long live the English Club!"

Commander J. C. Beaumont, being called for, said: "He also thanked Prince Gortchacow for the flattering mention of his name. He had desired also to have proposed the prosperity of the club, but had been anticipated by his friend Captain Murray, so that it only now remained to him with all his heart to drink to the hospitable *spirit* which had to-day brought us together."

I have thus given you the principal speeches from the French of the St. Petersburg Journal in the order in which they were made. As a semi-official shadowing of the future policy of this government, I make you a full and accurate report of Prince Gortchacow's views on the situation. I need only remark that they were received with the greatest enthusiasm and respect.

I have the honor to be your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Clay.

No. 222.] DEPARTMENT OF STATE,
Washington, September 24, 1866.

SIR: Your despatch of the 30th of August, without number (No. 117,) has been received.

The President is gratified to learn that Assistant Secretary Fox has performed his work in so acceptable a manner with regard to the special mission with which he was intrusted near the person of the Emperor of Russia. When full details of that transaction shall have been rceeived here, I shall have occasion to advert to the subject again.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq, &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 121.] LEGATION OF THE UNITED STATES.
St. Petersburg, Russia, October 8, 1866.

SIR: I refrained from giving a detailed account of the visit of Assistant Secretary G. V. Fox, and his reception by the court and people of Russia, with the understanding that he would give me a copy of his journal for the State Department. As this reception was one of the most remarkable in history, and I desire to have that journal on record in the archives of the State Department, I have asked him to send you a copy, which I request you to mark A, B, and make it a part of this despatch.

I am, dear sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Fox to Mr. Seward.

U. S. STEAMER AUGUSTA,
Keil, Prussia, September 30, 1866.

SIR: I have the honor to furnish you, herewith, a copy of my journal submitted to the Secretary of the Navy, giving a narrative of my doings in Russia.

With great respect, your obedient servant,

G. V. FOX,
Assistant Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, Washington, D. C.

Mr. Fox to Mr. Welles.

No. 9.] UNITED STATES STEAMER AUGUSTA,
Keil, Prussia, September 30, 1866.

SIR: I have the honor to submit herewith a journal of my doings since the date of my official despatch, numbered 7, which was forwarded from Paris the 3d of July.

Mr. Bigelow, our minister at Paris, presented me to Prince Napoleon. At this interview the Prince said to me in presence of Mr. Bigelow, "Do not be too friendly with Russia." I answered, "Russia and America have no rival interests; Russia has always been friendly to America, and we reciprocate the feeling." He said, "You can stand alone; you do not want friends." I answered, "When it was doubtful whether we should ever stand again, at a time when the most powerful nations menaced us, Russia felt and expressed her sympathy for us, and America never will forget it." After a few moments' silence he said, "Russia is for herself alone;" and the subject changed.

On the 9th I left Paris for Geneva to meet relatives. On the 13th I visited Chamouny, at the foot of Mont Blanc; on the 15th to Lausanne; and on the 16th to Berne, to call on our minister, and on the same evening arrived at Basle. On the 17th to Strasbourg; on the 18th to Mannheim; and on the 19th remained over night at Bingen. The 20th I descended the Rhine by steamer to Cologne.

I had appointed Stettin as the stopping place of the Augusta and Miantonomoh, after

leaving England, and at that place I designed joining the monitor, and proceeding directly to Cronstadt; but at Cologne I learned that the cholera was very bad at Stettin. After communicating by telegraph with our consul there, Mr. Lundell, who corroborated the cholera reports, I telegraphed to our minister, Mr. Yeaman, at Copenhagen, to stop the ships at that port, as they passed through the sound. My telegram was in time, and on the 22d I left Cologne and reached Copenhagen on the 24th, prepared to sail direct for Cronstadt the next day, but hearing alarming accounts of the cholera, I determined to await accurate information from our minister, Mr. Clay, to whom I telegraphed.

On the 26th I visited the navy yard. The 27th, Captain Murray, Commander Beaumont, and myself were presented to the King by the United States minister; in the afternoon the King and royal family visited the Miantonomoh. The 28th, the Russian minister and friends visited the monitor. July 29th, our minister, Mr. Yeaman, Captain Murray, Commander Beaumont, Mr. Edward H. Green, J. F. Loubat, and myself, dined with the King and royal family at Bernesdorf.

31st, having received accounts from Mr. Clay that the cholera was abating at St. Petersburg, and the Russian consul having informed me that there was no cholera at Helsingfors, I decided to go to that port and await more accurate information. I telegraphed to Mr. Clay, offering to proceed alone to St. Petersburg, but he answered to "come with the ships, if it took all summer." At 2.30 p. m. of this day both ships went to sea. August 3d, at 3.20 p. m., anchored in the harbor of Helsingfors. The governor, admiral, and general in command, with their suites, called upon me on board the monitor, and welcomed, me by orders of the Emperor, in Russian waters.

August 4th, attended a lunch given by the officials to the Americans, which was followed by a ball in the evening. Further courtesies were planned, but learning that the cholera had ceased at Cronstadt, I determined to proceed with all despatch. August 5th, at 8 a. m., got under way and went to sea. Met a Russian squadron outside of the harbor sent to escort us to Cronstadt. The following vessels comprised the squadron, viz:

Sebastopol—broadside iron-clad flag-ship, Rear Admiral Likhatcheff, Captain Brummer; Chrabzy—junior flag-ship, Rear-Admiral Bontakoff, Captain Rehbinder; Wladimir—Captain Hondriauvoy; Netronnemenia—broadside iron-clad, Captain Silvanoff; Jachont—Captain Hosnakoff; Peroun—monitor, Captain Karpoff; Strelitz—monitor, Captain Popoff; Lava—monitor, Captain Wogax; Edinorog—monitor, Captain Kladt; Smerch—Cole's turret ship, Captain Kormiloff; Donitri Donskoy—Captain Aukondinoff.

August 6th, at 10 a. m., anchored at Cronstadt. We were welcomed with salutes, cheers from people on the quays and forts, and in the steam yachts with music on board, and visits from the principal officials of the government, and the mayor and corporation of Cronstadt, the former of whom made an appropriate address. Rear-Admiral S. Léssovsky came on board and informed me that by command of the Emperor the officers and crew were to be considered the guests of the government, and that he was detailed to take charge of us, supported by the following officers, viz: Rear-Admiral Gorkovenko, Captain Hedorofsky, Lieutenant Commander Holtorskoi, Lieutenant Rickatcheff, Lieutenant Loenbeck, Lieutenant Lehman, Lieutenant Kupfer, Ensign Paltoff.

At 1 p. m. I went to St. Petersburg and paid my respects to our minister, Mr. Clay, and furnished him with a written report of my arrival, and copies of all documents addressed to me by the State and Navy Departments; also a copy of the resolution of Congress, and the speech proposed when presenting the resolution. August 6th, took possession of apartments assigned us at the Hotel de France.

August 7th, made the necessary official calls with the United States minister. At 10 a. m., proceeded to Peterhof, by appointment, to present to the Emperor the resolution of Congress. At the station in Peterhof we were received by the officials of the court, and Mr. Clay and myself were placed in a four-horse state coach and driven to the Palace. At 2 the following persons were presented to the Emperor by Mr. Clay, Prince Gortchakoff, vice chancellor and minister of foreign affairs, being present: Captain Murray, Commander Beaumont, Mr. Green, Mr. Loubat, Mr. John Van Buren, of New York, and myself.

Immediately after the presentation I read the enclosed address, marked A, to the Emperor, and then handed the copy of the resolution of Congress which had been intrusted to me by my government. The Emperor handed the resolution to Prince Gortchakoff, and replied in French, which was immediately afterwards translated into English by Prince Gortchakoff, and is enclosed herewith, marked B.

The American minister and officers were in uniform, and Mr. Green, Loubat, Van Buren, and myself, in black full dress. After the presentation carriages were placed at our disposal, and we called upon Kommissaroff, the peasant who saved the life of the Emperor, and then visited the grounds and Mon Plaisir, where a dinner was prepared and partaken of by the officers.

August 9th, received the Emperor on board the Augusta at 11 a. m. He visited both vessels with a distinguished suite, and was received with the honors designated for such an occasion. The Emperor invited Mr. Clay, Captain Murray, Commander Beaumont, Mr. Van Buren, and myself, to accompany him to visit the Russian fleet and witness target firing from one of the forts. Visited a Russian monitor, the iron-clad battery Netronnemenia, and thence to Fort Paul.

Before reaching the fort, lunched with the Emperor on board his yacht, when he said to me, "I drink to the prosperity of your country, and that the fraternal feelings which now exist may continue forever." Remained at Fort Paul two hours, witnessing very excellent target firing. As the Emperor departed for Peterhof he hoisted the square imperial flag and was saluted by all the forts and ships of war.

At five p. m., by invitation of the officers of the Russian fleet, we dined at the Naval Club room, Cronstadt. There were about four hundred guests present, and all the officers of our squadron that could be spared, Mr. Clay, our minister, and his secretary of legation, Mr. Curtin. The people of Cronstadt, in large numbers, received us as we landed; and at the club rooms we were welcomed by the principal officials and the national airs of America.

At one end of the hall were the portraits of Washington, Lincoln, and Johnson; and the flags of the two countries were appropriately arranged. The banquet was honored by the presence of Kommisaroff, the peasant.

August 10.—Visited the Russian ships in the harbor to return calls. At five p. m. we dined with the mayor and corporation in the town hall, one hundred and fifty guests being present. This entertainment was by the municipality, who are elected by the people, as in the United States, and who are entirely distinct from the government officials. The town hall was surrounded by a crowd, who filled up the street, and expressed their welcome by cheers whenever an American was seen at the windows.

August 11.—Left for St. Petersburg officially. All the officers of the squadron were invited, and twenty-five were allowed by Captain Murray to accept, to be relieved by others alternately. Upon landing at St. Petersburg a very large crowd of people welcomed us by cheers and salutes. Visited, first, the church of St. Isaac, and ascended to the dome; thence we took possession of our rooms at the Hotel de France, where we found everything placed at our disposal, free of expense—carriages to visit at pleasure, steam yachts to return to the ships, and steam-tugs to wait upon the vessels at Cronstadt.

At two p. m. the American minister entertained us at a *dejeûner*, at which the principal officials of the government and foreign diplomats were present. At 7.30 p. m. attended an evening festival given in our honor by the River Yacht Club of St. Petersburg, upon the Little Neva and one of the islands. It consisted of a row in boats before dark, then a reception in the yacht building, salutes, christening of a boat called the "Fox" by Miss Van Buren, illuminations, fireworks, serenade in gondolas, dancing, supper, and a brilliant escort upon leaving.

August 12, Sunday.—Attended the Episcopal Church service at the English chapel.

August 13.—Went to Zarsko Selo to visit the palace and the famous armory, all of which was freely shown to us by General Gogoll, the governor, who entertained us during the day. In the evening, went to Pawlofsk to an entertainment given at the house and gardens of the railroad station—music, illuminations, fountain of water illuminated by different-colored lights, and supper. Twelve thousand people assembled to see us.

August 14.—At ten a. m. visited the admiralty and the imperial public library; p. m., to the Winter Palace, Hermitage, Museum of Agricultural Management; and in the evening, to Zarsko Selo to accept private hospitalities.

August 15.—At ten a. m. visited the Alexander Nervsky convent and cathedral; thence to the foundry of steel guns, near which we lunched with the originator (under the minister of marine) of the manufacture of Krupp steel in Russia. The minister of marine, Admiral Crabbe, met us at the works, and, after explaining everything to us and casting a steel gun in our presence, called upon the men to give three cheers for the Americans.

Returned to St. Petersburg by boat, and visited the Merchant's Exchange and the museum of the scientific academy. At five p. m. we dined with the merchants of St. Petersburg, at their club room on the Nevsky, Prospect street. Received the announcement that I was elected an honorary member of the club. At 10.45 the minister, Captain Murray, Commander Beaumont, Green, Loubat, and myself went to Krasnoe Selo, to be present at the sham fight of the troops on the morrow, to which we were invited by the Emperor.

August 16.—Witnessed the operations of the troops and the charges of cavalry, the Emperor being present. Dined *en famille* with the officers.

August 17.—At nine a. m. a deputation consisting of the mayor and a committee of the corporation of St. Petersburg called upon me to announce that, by election and permission of the Emperor, I was become an honorary citizen of St. Petersburg. I accepted the honor. Visited the navy-yards, the sailors' house of correction, Museum of Mining Institute, cathedral of the fortress, where the imperial family of Russia are buried, and the little boat, from which beginning Peter the Great conceived a navy for Russia. At 5.30 we dined at the Nobleman's Club, at Strogonoff villa. The dinner ended with a ball and brilliant illuminations. Elected an honorary member of the club.

August 18.—Went to Cronstadt to receive the diplomatic corps and the ladies of the court, who were prevented from Peterhof by bad weather. The diplomatic corps were received with the usual honors.

August 19.—At ten a. m., by rail to Peterhof, to be presented to the Empress, our minister, Captain Murray, Commander Beaumont, Green, Loubat, myself, and eight officers. The presentation took place at thirty minutes past noon; thence our minister, Captain Murray, Commander Beaumont, Mr. Green, Loubat, and myself proceeded to the palace of the Grand Duke Nicholas, and were presented to the grand duchess. Immediately afterwards

we proceeded to the palace of the Grand Duchess Mary, and were presented to her and the Princess Eugenie. Lunched at the palace with the grand duchess and the Princess Eugenie.

At six p. m. dined with the Club of Mutual Assistance on one of the islands of the Neva. Elected an honorary member of the club. The dinner was accompanied by brilliant illuminations. At ten p. m., went to Krasnoe Selo to be prepared for the review of the morrow, to which Mr. Clay, Captain Murray, Commander Beaumont, Mr. Green, Loubat, and myself were invited by the Emperor.

August 20.—Review took place from one to three p. m., in presence of the imperial family. Lunched at the table of the Emperor. At six, dined with Mr. Winans at his house in St. Petersburg. At nine p. m. took supper with Mr. Gromoff, at his beautiful residence in the suburbs of St. Petersburg—music, illumination of ground, water-works, fireworks, vocal music, and dancing.

August 21.—At 8.30, to Peterhof by invitation of the Emperor, to visit with him the forts in the process of construction in the harbor and the ships about to depart upon foreign service. At 10 proceeded to Cronstadt; witnessed a monitor sham fight; visited three men-of-war and two of the principal iron-clad fortifications. Returned to St. Petersburg in the evening.

August 22.—At three p. m. left by boat for Peterhof to dine at the palace with the Emperor and Empress. Mr. Clay, Captain Murray, Commander Beaumont, Mr. Loubat, myself, and eight officers attended the dinner at five p. m. Near the close the Emperor rose and, in the French language, drank to the prosperity of the United States, the health of the deputation, and the continuation of friendly relations between the two countries. After dinner the palace carriages were placed at our disposal, in which we visited the neighboring palaces and grounds.

At 9.30 p. m. attended a ball at Peterhof, presided over by the Grand Duchess Mary, in aid of a noble charitable purpose. One thousand roubles was subscribed and handed to the grand duchess by Captain Murray. The Emperor was present at the ball. We slept at the palace this night.

August 23.—At seven a. m. returned to St. Petersburg. At 2.30 p. m. left by special cars attached to the train for Moscow, Mr. Clay, our minister, Captain Murray, Commander Beaumont, Mr. Curtin, secretary of legation, Mr. Loubat, myself, and about twenty officers.

At six p. m., at Chudova station, seventy-five miles from St. Petersburg, received a deputation from Great Novgorod, forty-five miles distant, consisting of the governor, the president of the board of self-government for the whole district, and the mayor. They welcomed me with a brief address and presented me with views of Novgorod, and the bronze medal struck in commemoration of the monument erected at Novgorod in 1862, the one thousandth anniversary of the existence of the Russian Empire. A deputation of peasants presented me with the "bread and salt," an Eastern custon of welcome.

August 24.—At 10 a. m. arrived at Moscow. The governor, Prince Dolgoroûki, the mayor, Prince Stsherbatoff, and other officials received us at the station, surrounded by a large crowd. The mayor welcomed us, and announced to me that it was proposed that I should be elected an honorary citizen of Moscow. Took carriages provided for us and went to the hotel of Mr. Kokozeff as his guests. Here we received many official visits; afterwards made official calls, and then visited the Kremlin, the Bazaar, and the church building to commemorate the destruction of the French army in Russia in 1812. At 7 p. m. dined with Prince Dalgaroûki, the governor-general of the province; one hundred present. A very great crowd of people outside cheering us during dinner. At 11 p. m. all our party proceeded with the governor to the Zoological Gardens, where we could with difficulty enter on account of the crowd. Music on the stage, with dancing, illumination of the foliage by different colored lights, a display of fireworks upon the shores of the lake, and a supper at midnight.

August 25.—Visited Novo Devichi convent, Calico Print Works, and a review of the troops. Again presented with bread and salt by the peasants. At 7 p. m. dined with the city government; three hundred present. Portraits of Mr. Clay, Captain Murray, Commander Beaumont. and myself were hung up in the room, while the usual portraits of Washington, Lincoln, and Johnson graced the head of the room.

August 26.—Attended Episcopal service a. m. At 3.30 p. m. we went into the country to the residence of Prince Galitzin to dine with him. The mayor, elected by the people and formerly a serf of the prince, in a very appropriate speech welcomed me, and presented me with the bread and salt on a silver service. After visiting the grounds, constantly cheered by the people, we dined with the prince at 7 p. m. After dinner I presented an American flag to the mayor.

August 27.—Attended the Greek service in the church of the Assumption. Visited the asylum for foundlings and orphans, the Romanoff house, the church of St. Basil, and the Zoological Gardens, where an address of welcome was presented. At dusk visited the Hawk park to witness the various entertainments provided for the populace. It was estimated that 60,000 people had gathered in the park, chiefly to greet us by an enthusiastic reception.

August 28.—To the sacred and historical monastery of Troitsa, forty miles from Moscow. Called upon the aged Metropolitan of Moscow, who, as a minister of peace, welcomed us upon our peaceful mission. By his direction we were received with the ringing the great

bells, and shown all objects of interest. Returned to Moscow at 5 p. m., and in the evening all attended the ballet by invitation of the governor.

August 29.—At 10.30 left Moscow for Nijny Novgorod, two hundred and seventy-three miles distant. The governor, Prince Dolgoroûki, the mayor, Prince Stsherbatoff, and the committee of the city government attended us at the station. This committee proceeded to St. Petersburg to invite us to Moscow on behalf of the city government. They accompanied us in the cars to Moscow, and while there, together with the mayor, personally contributed to our comfort and our wishes in every possible manner. Rear-Admiral Léssovsky and most of his suite accompanied us, but also as guests. After leaving Moscow we were the guests of the merchants of the great fair of Nijny Novgorod, and a committee from them took us in special cars. At various stations crowds of people collected to welcome us as their true friends. Arrived at Nija Novgorod at midnight, when a large crowd collected about the station, which was illuminated and provided with a band of music, which played "Hail Columbia" There was much enthusiasm, and it required a squad of Cossacks to open the way for us to proceed to our quarters. The American flag was displayed very conspicuously about the city, probably for the first time, among the 200,000 traders collected together at this fair. Mr. Clay and some of the officers returned to St. Petersburg from Moscow.

August 30.—At 10 a. m. were presented to the Heritier and the Grand Duke Vladimir, who were at Nijny for a few days. Afterwards made the necessary official calls and visited the fair. At 6 p. m. dined with the merchants by invitation of the committee; one hundred and fifty merchants and officials present. After dinner, dancing and music by a company of gypsies.

August 31.—Visited the fair, the tomb of Minin, and and at five dined *en famille* with the committee. Received a deputation of peasant women, dressed in their national costumes, who had been to present themselves to the grand dukes. They gave me specimens of their handwerk in iron and copper.

September 1.—At 10 a. m. visited the principal machine shop and foundry of the place, and at 11 embarked in a special steamer, with the committee and several of the leading merchants, and steamed slowly up the Volga. Lunch on board; gypsy dancing and music. At 1 p. m. were transferred to a steamer chartered especially for our use, and we took leave of the committee of merchants and came again under the charge of Rear-Admiral Léssovsky. Half of our officers returned with Commander Beaumont to St. Petersburg via Moscow.

September 2.—At 10.30 a. m. arrived at Kostroma, one hundred and ninety-one miles up the river Volga from Nija Novgorod. This city I desired to visit on my return to St. Petersburg, because the Russian people would be pleased if we did. The Romanoff family, now on the throne, came from this neighborhood; the peasant Susannah, who saved the life of the first Romanoff, and Kommissarow, who saved the life of the present Emperor.

The governor received us on the wharf—though our coming before afternoon was unexpected—and soon afterwards the mayor and marshal of nobility welcomed us. Went on shore to make official calls. At the governor's received a deputation of peasants, with a present of "cake and salt." Visited the monument to the first Romanoff and his peasant savior; the monastery where he was sheltered, and the large machine shop and foundry lately put into operation. The people gathered everywhere to greet us with cheers. P. m. lunched on board of our steamer, having the governor and one or two officials with us. The people collected *en masse* on the sloping bank of the river, and continually cheered the Americans and the United States. At six went on shore to dine with the governor, the mayor, and the marshal of nobility. As I ascended the bank, in company with the governor, a peasant took off his long overcoat, the usual outer-covering of that class, and threw it down in my path. I turned aside and stepped over it, when so many were instantly thrown down by the populace that I stopped, hesitating to accept a compliment given only to the Emperor. The governor motioned to me to proceed, and we all walked to our carriages, up the high bank of the river, upon the clothing which the people of the country threw down in our path. It was with some difficulty that our carriages made their way through the mass of people.

Upon entering the building where the dinner was prepared the beautiful daughter of the governer, surrounded by young girls, all dressed in white and ornamented with the United States colors, welcomed us in a few sentences of English, and then presented to every one a bouquet of flowers, tied with ribbons of red, white and blue. From dinner to a ball at the club-room, thence to a hemp-yarn factory, and to the residence of the owner. The city was very generally illuminated, and, though midnight, groups of people lingered, cheering us.

September 3, at 1.30 a. m., departed up the river. At 1 p. m. stopped a little above Ribinski to visit a rope-walk and ship yard. Dined with the proprietor. At 6 left, still ascending the Volga river. At 8 p. m. stopped at Keemera to wood. A deputation headed by the mayor came on board to welcome us, and extended an invitation to go on shore to see the church and take tea. Accepted. No officials of the government were present, the authorities being elected under the system of self-government authorized by the present Emperor. As we returned to the steamer the populace escorted us with lights in their hands, and illuminated the path by placing two parallel lines of lights upon the ground, reaching to the wharf, and cheering us all the time with great enthusiasm. September 5, at 7.30, stopped at Kortcheva to wood; welcomed by the mayor, chief of police, and principal personages of the town, and the people.

The chief of police is an official detailed by the governor general of the province, but all other officials were elected and held office from the people.

We were invited to drink a cup of tea. Our welcome was very enthusiastic, and the mayor announced to me that I was proposed as an honorary citizen of the town. At 9 steamed up river. At our next stopping place for wood the peasants brought on board fresh caught fish and presented them to us. At 5.30 reached Tver, where the railroad from St. Petersburg to Moscow crosses the Volga, a point distant five hundred and twenty-nine miles from Nijny Novgorod.

The marshal of the nobility and the president of the council of self-government, the governor, and the mayor received us at the landing, drove us to the principal points of attraction in the city, and then to dinner at the railroad station, where the people met and cheered us. At 7 p. m. took the Moscow train for St. Petersburg.

September 6, at 9 a. m., arrived at St. Petersburg. This day and the 7th accepting private hospitalities. September 8, at 10 o'clock a. m., Captain Murray, Commander Beaumont, Mr. Loubat, and myself went to Strelna and were presented to the Grand Duchess Constantine, and breakfasted with her. The Grand Duchess and the ladies of the household wore the colors of the United States. At 5 p. m. dined at the English Club in St. Petersburg, Prince Gortchakoff presiding Two hundred and fifty persons present.

September 9, a. m. to the Episcopal service in the English chapel. At 1 p. m. met Prince Gortchakoff by appointment at the Foreign Office. After complimentary allusions to myself, he handed to me, in the name of the Emperor, a gold snuff-box ornamented with six large diamonds and twenty-six of smaller size, surrounding a miniature of the Emperor; also, a large diamond ring, which he remarked might be given to Mrs. Murray, and one of the same kind for Commander Beaumont. I received these, and handed both rings to Captain Murray. Books of various kinds were presented to every officer in the squadron in the name of the Emperor.

At 7 dined with Mr. Jookoff; fifty present. His grounds were illuminated in a brilliant manner. September 10, at 10 o'clock a. m., to Zarsko Selo, to take leave of the Emperor and Empress. Captain Murray, Commander Beaumont, Loubat, and myself were received at noon. The Emperor said that he wished me to convey to the President how deeply he felt at the mission which had been sent. He saw in the resolution of Congress the friendship of two great nations, and it was his desire to perpetuate it. He hoped I would testify to the American people the feelings of friendship which I had found among the Russians, and that I would carry away personally a good remembrance of Russia.

At 5.30 dined with Prince Gortchakoff in St. Petersburg; forty present. September 11, by invitation, our minister, Captain Murray, Commander Beaumont, and several officers attended the commemorative services at the church of Alexander Nevsky. The Emperor, imperial family, and court, foreign ambassadors, and principal officials of the government present. At 8 p. m. visited the Alexander Institute for the education of young ladies. Received by the "lady directresses" and principal officers of the institution, which is now divided into two schools. The young ladies sang "Hail Columbia" in English, and danced Russian national dances. It was announced that the day and hour of our departure the school would be assembled, and prayers offered to God for our safety at sea.

September 12, at 10 a. m., Captain Murray, Commander Beaumont, and myself were presented to the Prince of Oldenburg at his palace in the city. At 11 visited the topographical bureau of the war department; thence to the palace of the Grand Duchess Mary. Received news from Kostroma that I was unanimously proposed as honorary citizen of that city.

September 13, at 11 a. m., visited the practice ground of the army and navy for guns, examined the targets, the rifled steel guns and models, and witnessed a little firing from the eight-inch breech-loading rifle. We were invited by the Grand Duchess Catharine to dinner, but the consecration of the Emperor's chapel postponed it. In the afternoon to Cronstadt to attend a ball given by Admiral Nerosilsky, governor of Cronstadt. September 14, preparing for our departure. September 15, (Saturday) at noon lunched with the minister of marine, Admiral Crabbe, on board his yacht Ruric. Received a deputation of peasants, who had come a long distance to thank the people of the United States for their friendship and sympathy. General Greigg, aide-de-camp of the Emperor, presented me with the gold medal struck to commemorate the edict of emancipation. At 4.30 p. m. went on board the United States steamer Augusta, and with the Miantonomoh steamed out of the harbor, accompanied by the minister in his yacht, the steam frigate Swetlana, Captain Drosdier, and the sloop Chrabzy, Captain Rehbinder. Personal salutes were given to myself and national salutes and great cheering to our flag. At 7 the minister of marine left us in his yacht, after a display of fireworks, and directing the two men-of-war to see us safely out of the Gulf of Finland. September 16, standing down the Gulf of Finland, convoyed by the Russian ships.

September 17.—Having entered fully into the Baltic, each Russian ship fired a national salute of twenty-one guns, and a personal salute of seventeen guns, and left us after cheering ship.

I found on board the Augusta a note from Admiral Novossilsky and a picture of our Saviour, presented, as the admiral wrote, by a peasant named Michael Masieff, who, out of the savings

of his labor, had bought this sacred picture, and desired to have it sent to me as an expression of his feelings toward the nation that had sympathized with his Emperor.

On the 14th of August, and again on the 28th, an entertainment was given on shore at Cronstadt to all the crew that could be spared from duty. At all the institutions and public places which we visited the principal officials received us in full dress, and presents were made generally to most of our party, such as books, maps, photographs, and medals. Rear Admiral Léssovsky and the officers associated with him were unremitting in their attentions, and faithfully observed the instructions of the Emperor to see that we received a Russian welcome. But the striking feature of our visit was the spontaneous reception everywhere accorded to us by the people themselves. From the most remote parts of the empire telegrams were sent welcoming us, and expressing the most grateful feelings towards the people of the United States.

The first toast at entertainments was to the President of the United States, Mr. Johnson, and his picture, with Washington's and Lincoln's, usually graced every assembly.

The speeches were friendly, appropriate, and full of feeling. The flag of the United States has been shown and honored for a thousand miles in the interior of Russia, and our national airs have become familiar to her people.

The Emperor reviewed his troops, alternating the music of the two empires as the cloud of Cossacks swept past in a charge.

If nations require friends, and must lean towards each other like individuals, here are eighty millions of people, one race, one language, and a unit in their feelings of friendship for the United States.

The present Emperor has conferred upon them emancipation, liberty of the press, abolishment of the knout, local self-government, and trial by jury. Under these wise measures the empire begins to feel that conscious strength which springs from national unity resting upon the diffusion of light and power to all classes.

The unprecedented distinction conferred upon a foreigner, in electing him an honorary citizen by permission of the Emperor, of St. Petersburg, Cronstadt, Moscow, Kortcheva, and Kostroma; the unanimous welcome given to us by all classes, and the unusual reception extended to the officers and crew, by making the former without preference guests of the government, are due chiefly to the friendly action of Congress in passing the resolution of sympathy, and to the government in sending an official to Russia in a squadron of armed ships to deliver it.

With great respect, your obedient servant,

G. V. FOX,
Assistant Secretary of the Navy.

Hon. GIDEON WELLES,
Secretary of the Navy.

A.

Address read to the Emperor of Russia upon presenting a copy of the resolution of Congress.

SIRE: The resolution which I have the honor of presenting to your imperial Majesty is the voice of a people whose millions of lips speak from a single heart.

The many ties which have long bound together the great empire of the east, and the great republic of the west, have been multiplied and strengthened by the unwavering fidelity of the imperial government to our own, throughout its recent period of convulsion.

The words of sympathy and friendship then addressed to the government at Washington, by command of your imperial Majesty, are fixed in the eternal remembrance of a grateful country. As one of the wide family of nations, we yield our willing homage to that act of humanity which is especially referred to in the resolution of Congress. The peaceful edict of an enlightened sovereign has consummated a triumph over an inherited barbarism, which our western republic has only reached through long years of bloodshed.

It is therefore with profound emotion that I offer to your imperial Majesty, to the emancipated subjects, and to all the people of this vast realm, our heartfelt congratulations upon the providential escape from danger, which led to this spontaneous expression of regret for the attempt, and thankfulness for its merciful arrest and failure.

The story of the peril from which a kind Providence has delivered your imperial Majesty brings with it the remembrance of the mighty sorrow which so lately filled every loyal heart in our own land at the sudden loss of our chief, our guide, our father.

We thank God that a grief like this was spared to our friends and allies—the Russian people.

May the Father of all nations and all rulers protect, prolong, and bless the life which he has so signally preserved, for the service of the people to which it belongs, for the good of mankind, and for the glory of His holy name.

G. V. FOX,
Assistant Secretary of the Navy.

B.

The Emperor's Remarks.

"The Emperor is happy to see that the relations of sympathy existing between Russia and the United States are appreciated in America."

His Majesty added, that he was convinced that the national fraternity would be perpetual, and that for his part he should contribute to it all his efforts.

The Emperor expressed, how greatly he was sensible of the proofs of affection which he had received on the part of Congress, and of the American nation. His Majesty particularly thanked those who had come so great a distance to bear these proofs to him. He assured them of their warm welcome to the soil of Russia, and closed, in remarking, that he should never forget the recollection of the cordial reception his squadron found in the United States.

RUSSIAN ACCOUNT OF HON. G. V. FOX'S OFFICIAL MISSION TO RUSSIA, IN 1866.

[Translated by S. N. Buynitzky, for the Department of State.—Copyright secured by the translator.]

The Cronstadt Herald, a Russian semi-weekly navy gazette, in thirty numbers, from the 20th of June to the 14th of September, 1866, inclusive, contains the narrative of all the events which took place during that period of time, in relation to the visit of the American embassy to Russia. These flying notes, written under the immediate impression of events, do not require any arrangement or commentary to present an interesting account of the whole affair. Moreover, the interest of these reports is greatly enhanced by the fact of their having been repeated by all the organs of the Russian press, and eagerly read throughout the vast empire; a fact to which the translator, who was at that time travelling in his country, most emphatically testifies.

[From the Cronstadt Herald, June 20, 1866.—June 8, of the Old Style.]

However interesting the questions arising from the Austro-Prussian conflict, we leave their discussion to the political part of our gazette, and will pass to our domestic maritime news, which, no less than the war rumors, occupy the minds of our seamen. Of course, our readers will guess that we are going to speak of the rumors concerning the expected arrival at Cronstadt of American vessels; rumors which spread with extraordinary rapidity among our navy officers, many of whom preserve a lively recollection of the more than common hospitality with which our squadrons were received in New York, Boston, and San Francisco. Our seamen entertain such lively feelings of gratitude and sympathy toward the American nation, that the gratifying intelligence of our transatlantic friends coming to visit us, spreading with uncommon rapidity, has engrossed the attention of the whole community of our eminently maritime city. Americans, and the expected meeting with them, are the topics of conversation in every circle.

Our city expects the arrival of Mr. G. V. Fox, Assistant Secretary of the United States Navy Department, who is appointed to present to the Emperor, our sovereign, the resolution of the Senate and House of Representatives of the American Congress, expressing feelings of sympathy and respect to his Majesty's most august person, upon the occasion of his preservation from the danger which had threatened his life. Mr. Fox, the well-known advocate and partisan of monitors, leaves for Europe on board the monitor Miantonomoh, escorted by the side-wheel steamer Augusta.

A correspondent of the United Service Gazette, speaking of the Miantonomoh, expresses himself as follows:

"It is one of the best American monitors. She possesses two turrets, armed with four 15-inch guns, throwing shot weighing each 480 pounds, with loads of 35, 50, and 65 pounds of powder. The length of the Miantonomoh is 280 feet, and her breadth 55. This monitor is provided with an engine of 800 nominal powers, and according to the statement of her officers, sails with a speed of 10 knots. Each gun upon the Miantonomoh weighs about 21 tons, (that is, about 1,260 Russian poods,) and requires to be managed by 10 hands. The whole crew of the monitor consists of 25 officers and 121 sailors. The side-wheel steamship Augusta is armed with five ordinary Dahlgren cannon."

The precise time of Mr. Fox's sailing from America is not yet positively known. It is very probable that, in Europe, some of the ships of Admiral Goldsborough's squadron will join him. As soon as we get any reliable information about the numerical strength of the squadron escorting Mr. Fox, and about the time of its coming, we will communicate it without delay to our readers.

In any case, the visit of the Americans excites a lively interest in our public, and even now, discussions are already going on as to what would be an appropriate reception to our

transatlantic friends, who extended such truly warm-hearted hospitality to our squadrons in 1863.

June 22.—To the information about the coming of American vessels, communicated by us in the last number of the Cronstadt Herald, we have only to add that, independently of the vessels escorting Mr. Fox, we shall very likely have the visit of the American screw sloop-of-war Ticonderoga, which is soon to arrive at Cronstadt. In relation to Mr. Fox's mission we have learned the following interesting details, the authenticity of which we guarantee:

Upon learning the news of the horrible attempt of the 4th of April, the President of the United States of North America commissioned the representative of the federal government at the imperial court in St. Petersburg to express to his Majesty the Emperor, our sovereign, the sincere congratulations of the American nation and the indignant feeling aroused in America by the horrible crime of the villain who had attempted the life of his Majesty. General Clay, United States minister, fulfilled the President's commission soon after the event.

In addition to this action of the President, the Congress of the American republic gave expression to the feelings of profound esteem and sympathy of the American people towards the person of his Majesty the Emperor Alexander and the Russian nation.

Upon a motion of Mr. Stevens, from Pennsylvania, one of the most influential members of Congress, the American Senate and House of Representatives unanimously voted a joint resolution, worded as follows:

"JOINT RESOLUTION relative to the attempted assassination of the Emperor of Russia.

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress of the United States of America has learned with deep regret of the attempt made upon the life of the Emperor of Russia by an enemy of emancipation. The Congress sends greeting to his Imperial Majesty, and to the Russian nation, and congratulates the twenty millions of serfs upon the providential escape from danger of the sovereign to whose head and heart they owe the blessings of their freedom.

"SEC. 2. *And be it further resolved*, That the President of the United States be requested to forward a copy of this resolution to the Emperor of Russia.

"Approved May 16, 1866."

Never before was such a resolution voted in Congress. Never before did the representatives of the American people send addresses to any foreign monarch. Conscious of the great importance of this unexampled demonstration, the President of the United States desired to impart to this mission the most solemn forms.

Mr. Fox, Assistant Secretary of the Navy Department, is appointed to carry to St. Petersburg the text of the resolution of Congress. The monitor Miantonomoh was put at the disposal of this eminent statesman, and he will soon arrive at Cronstadt.

From what is above stated our readers will realize the great importance of Mr. Fox's present mission, and we are confident that, independently of the reception awaiting him at the imperial court, the Russian people, acquainted with the purpose of his visit, will everywhere come forth with enthusiasm to meet the representative of the glorious American nation—the bearer of its congratulations and words of friendship.

As to us, inhabitants of Cronstadt—seamen above all—our hearts are yet filled with the recollections of the hospitality and the truly friendly reception enjoyed by our comrades when making part of the squadrons of Admirals Lessovsky and Popoff, who visited New York, Boston, and San Francisco. We learn that the programme for the reception at Cronstadt of the American seamen is already in course of preparation.

June 27.—*Latest news of the American vessels leaving for Europe.*—In the last number of the English Army and Navy Gazette, under date of June 16, appeared a very interesting correspondence about the monitor Miantonomoh, whose coming is so much spoken of in our city. According to the statement of the Army and Navy Gazette this correspondence, which we adduce further, deserves full belief. On our part we hope that this document will not be without interest to our readers. The correspondent of the English military gazette writes:

[Follows a Russian translation of said correspondence.—*Note of the translator.*]

From this correspondence—written, as it seems, by a gentleman of noted authority in the United States navy, possibly by Mr. Fox himself—it is not difficult to conceive what is this monitor, whose coming is here expected. At present we have only to add that the side-wheel steamship Augusta, a transformed Savannah mail ship, is to sail together with the monitor.

Mr. Fox himself sails on board the monitor. The English captain, Bythesea, was admitted as passenger. The Army and Navy Gazette believes that both vessels left America on the 6th of June.

June 29.—The most interesting of the foreign news is the intelligence (from private sources) of the safe arrival at Queenstown, Ireland, of the American monitor Miantonomoh. Mr. Fox achieved an uncommonly quick passage to Europe. On the 17th or 18th of June he was already in Ireland. having crossed the ocean in little more than ten days. We hope soon to be able to communicate more circumstantial intelligence concerning the American vessels; at present we have only to announce that the monitor Miantonomoh and Mr. Fox will arrive at Cronstadt on the 7th or 8th of July.

July 1.—The United Service Gazette received a communication, dated June 23, stating that the American monitor Miantonomoh arrived at Queenstown, and is in a few days expected in Jersey. Together with the monitor arrived two steamships—the Augusta and the Ashuelot. The monitor crossed the ocean with extraordinary speed, coming only by a few hours later than the well-known steamer City of Boston, which left America at the same time.

CRONSTADT, *July* 6.

July 5.—To-day took place the first session of the committee, called together and presided over by S. S. Léssovsky, rear-admiral of his imperial Majesty's suite, for the purpose of organizing a reception to Mr. Fox and the seamen of the American squadron. Our readers know that Admiral Léssovsky has visited America twice. The second time, in 1863, he was there as commander of the Russian squadron, composed of the screw frigates Alexander Nevsky, Peresviet, and Oslabia; screw sloops-of-war Vitiaz and Variag; and the steam-clipper Almaz; which squadron was cruizing at that time in the American waters. It seems to us that it would be superfluous to reprint in the pages of our paper the accounts of those unwonted ovations, and the friendly reception which were experienced in New York and Boston by our seamen of Admiral Léssovsky's squadron, and in San Francisco by those of the squadron under the command of Rear-Admiral Popoff, (H. I. M. S.) During 1863, and at the beginning of 1864, the Cronstadt Herald was full of correspondence giving accounts of excursions and festivals which were organized in honor of the Russians. We will not repeat all this—in the first place, because the recollections of that reception are yet vivid in the memory of our seamen: and in the second, because all those articles were eagerly transcribed by all the Russian newspapers, and throughout our vast country everybody knew how hospitably, how kindly America had received our seamen, and with what sympathy the American people pronounced the name (sacred to us) of the monarch-liberator. The name of Emperor Alexander II was cited in America, together with the highly reverenced names of the greatest benefactors to mankind. Of late, this respect and this sympathy to the name of our adored monarch expressed themselves in the resolution of Congress, with which we have had already occasion to acquaint our readers. Under like circumstances, it may be easily conceived to what degree our seafaring population of Cronstadt is interested in the preparations for the becoming and worthy reception of the American representative and of the seamen who are coming with him. For the purpose of organizing such reception, Rear-Admiral (H. I. M. S.) Léssovsky, who is commissioned by the government to meet our trans-oceanic friends. established a special committee, composed of officers belonging to the various branches of our navy service, navy and artillery officers, engineers, officers of the steersmen's corps, and navy surgeons. The first session was devoted to the collection and sorting of materials for the programme of the forthcoming reception. To express now any positive opinion about the programme itself would be premature. We certainly believe that it will undergo many changes, as it is most likely that our Russian society, as well in St. Petersburg as in Moscow, will ask to participate in the reception of our trans-oceanic friends, and this participation shall have to accord with the dispositions of the committee organized by Admiral Léssovsky.

The day on which the American squadron will come cannot yet be precisely stated, as we have as yet no information about the arrival at Copenhagen of the monitor Miantonomoh, with the two escorting steamers. In any case, the public expects this intelligence with great impatience; but we hope that this matter will soon clear up, and we shall be able to speak with more precision of the coming reception.

July 8.—Our transatlantic friends, whose visit we expect with such impatience, were yet, eight days ago, upon the Thames, attracting the attention and exciting the admiration and the envy of the English seamen. Notwithstanding the events of the German-Italian war, monopolizing the general interest, the English newspapers are filled with articles about the monitor Miantonomoh, that extraordinary iron-clad monster, worked out by the experiences of the late American war. The proximity of the visit of our American friends and the gratifying consciousness of our being the only European people who know how to make profit of what was bought in America at such a terrible cost—(we actually possess ten vessels, which, although inferior in rank, can, nevertheless, be put by the side of the Miantonomoh)—these are the reasons why we think that our readers will derive some pleasure from the perusal of everything written in England about our friends.

Very likely the English and the French, actuated by mistaken notions of national pride, will profit neither by this invention of Ericsson nor by any improvements due to the experiences of the American war. We have been more reasonable than our neighbors—powerful on sea; and now the Miantonomoh will meet in the waters of the Gulf of Finland with a squadron of fellow-monitors built in Russia, and of Russian iron. Her formidable 15-inch

guns—the envy of those gentlemen of the Woolwich arsenal—will find in our artillery stores of Cronstadt their own brothers, cast at Petrosavodsk, under the direction of our artillerymen. It is a pleasant and cheerful task to receive the dear visitors under such circumstances. On this occasion the Russian seamen will have to thank their American friends, not only for the New York and Boston ovations, but also for all the good derived by our navy from the glorious examples—the brilliant naval battles fought by American heroes, Farragut, Porter, Rodgers, and many others. The recollections of the battle of Mobile, the attack on Charleston, the taking of Fort Fisher, the old sea-salamander, surveying from the top-mast the position of the formidable confederate ram-ship Tennessee—all this will rise in our imagination when we first behold the low-sitting body and the two threatening towers of our transatlantic guest.

July 11.—The general interest in the reception to be made to our transatlantic friends is growing more intense with every day. The president of the committee which is to organize the reception of Mr. Fox and officers of the American squadrom—Rear-Admiral (H. I. M. S.) Léssovsky, the American consul at Cronstadt, and A. H. Wilkins—are already beset with questions about the probable time of the coming of the American vessels. Steamship companies are going to establish special lines for the accommodation of the public, curious to visit Cronstadt and the American monitor. We learn that many clubs and associations are intending to send forth deputations to compliment Mr. Fox and the American seamen. The citizens of Cronstadt and the River Yachting Club of St. Petersburg have already appointed their deputies, to join with the president of the committee on the reception of the American seamen, for preliminary consultations about festivals to be given by the city of Cronstadt and the Yachting Club of St. Petersburg in honor of the American guests. On the part of the city of Cronstadt, F. S. Stepanoff, head of the corporation of merchants,* has already presented himself as delegate to Admiral S. S. Léssovsky. The programme of the reception is not yet composed, but materials are collected.

Immediately after the arrival of Mr. Fox, the steam-propelling yacht Neva, assigned for the personal service of our acting minister (secretary) of the navy department, will be put at Mr. Fox's disposal. This yacht will convey the Assistant Secretary of the United States Navy Department to his interview with our vice chancellor, Prince A. M. Gortschakoff. Another steam-propelling yacht and a steamboat will be assigned for the personal service of the commanders and officers of the American vessels. After this interview will begin the survey of the capital and its environs.

We have been told that the first visit of welcome to our transatlantic friends will be paid by the assistant commander of the port, of his Imperial Majesty's suite, Rear-Admiral S. S. Léssovsky. The general rule, upon occasions of foreign men-of-war coming to the port of Cronstadt, requires that they should be met by an officer detailed by the commander of the port; but in the present instance an exception will be made, in view of the particular mission of Mr. Fox, and the compliments of welcome will be conveyed by the assistant commander, a rear-admiral of his Imperial Majesty's suite.

Generally our city of Cronstadt, and particularly our maritime circles, present a scene of unwonted animation on account of the anticipated visit. Feelings of sympathy and friendship to the glorious American nation are displayed everywhere, and already our public gardens resound with the strains of "Hail Columbia" and the lively measures of "Yankee Doodle." From all this we must conclude that our friends will be received with a hearty hospitality; and our only apprehension is as to our not being able to describe the feelings of our seamen and inhabitants of Cronstadt towards the dear guests who come from afar to bring us words of sympathy and friendship from the American people.

July 13.—*Notices of Cronstadt life.*—Yesterday, July 12, the corporation of merchants assembled in the City Hall, under the presidency of the gorodskoy golova, (mayor of the city,) F. S. Stepanoff. A part of this session was devoted to the election of directors for the intended festival in honor of our transatlantic friends. The gentlemen elected are P. W. Baykoff, P. A. Vassilieff, M. N. Sinebrukhoff, P. E. Shakhoff, and M. T. Tshaoussoff.†

July 15.—Of our transatlantic friends, we know only from the last number of the Moniteur de la Flotte, (July 5,) that the American monitor safely arrived at Cherbourg on the 30th of June. We have as yet no information about the day of her leaving Cherbourg for Copenhagen.

July 18.—With every day bringing us nearer to our transatlantic friends' arrival, the general interest in the event is growing more intense. But it appears that occasions of delay are multiplying in the same proportion. The Moniteur de la Flotte of July 10th, received to-day, explains the probable reason of this seemingly incomprehensible fact.

From our former communications, our readers know that Mr. Fox, with the monitor Miantonomoh, and the steamship Augusta arrived at Cherbourg on the 30th of June. Immediately after, he went to Paris, and on the 6th of July returned to Cherbourg, in company with Marquis Chasseloup-Laubas, (French minister of the navy,) Mr. Depuy de Dome, (the celebrated French naval engineer,) and General Fréhaut, (director of the artillery depart-

* In Russia, the presidents of most of the deliberative bodies, composed of elective members, are designated by the title of golova—the head; for instance, gorodskoy golova—city mayor.—*The translator.*

† Of the two initials preceding a Russian name, the first refers to the person's own Christian name and the second to the father's.—*The translator.*

ment in the French ministry of the navy.) These gentlemen, together with the authorities of the port of Cherbourg, visited the American monitor, surveying in all its details this remarkable vessel.

On the same day, at 5 p. m., the Miantonomoh weighed anchor and steered for the Thames.

About three days previous to the departure of the monitor, the American squadron of Admiral Goldsborough appeared in view of Cherbourg. This squadron was on its way from the Mediterranean sea to join the Miantonomoh and her satellite, and intended to enter the port, but could not be admitted on account of some irregularities in sanitary passports, and, leaving the anchorage, sailed for Copenhagen. The French Navy Gazette says that on its way back from the Baltic Admiral Goldsborough's squadron will visit Cherbourg. We perceive from other sources that the squadron of Admiral Goldsborough was delayed at Toulon, on account of the screw frigate Colorado requiring serious repairs, and had left this port for Lisbon on the 30th of June. The Colorado remained fifty-three days in the dockyard of Toulon, having entered it on the 7th of May.

After what we have said above, it may be easily guessed that the monitor Miantonomoh waited in England and in France for the coming of Admiral Goldsborough's squadron, including the frigate Colorado. It is most likely that this squadron will visit Cronstadt, together with Captain Fox and the Miantonomoh.

July 20.—While Europe expects the solution of the grave problems affecting the fates of Germany and Italy, witnessing the terrible contest which divides middle Europe in two hostile camps, our quiet corner of the gulf of Finland enjoys undisturbed peace, witnessing the customary naval performances characteristic of our sailing season. Our squadrons ride the sea exercising in shooting and manœuvring; and if there is to us an object of exciting interest, it belongs to the category of eminently peaceful affairs, and has nothing to do with the political fever actually disturbing Europe. If we are excited, it is owing to the anticipation of our approaching meeting with our transatlantic friends, whose coming we expect with great impatience. We have had many occasions to say under what obligations our navy stands towards the American people, and how much it owes to the glorious examples furnished by the late war. In view of this fact our readers will easily understand the eager impatience of our seamen to see the Miantonomoh, that perfected type of our monitors, which compose at present the most valuable part of our iron-clad fleet. However, we are not alone to take interest in the celebrated American monitor making her appearance in Europe. Our powerful maritime neighbors are not less curious, and most pressingly retain this remarkable transatlantic guest. In the last number of the Cronstadt Herald we have communicated to our readers that Mr. Fox, on leaving Cherbourg, steered for the Thames. We know, from reliable sources, that this visit to the neighborhood of London will not be long, and was called forth by the most pressing invitations of some very influential parties in England. In the Thames the Miantonomoh will be honored by the visit of his Highness the Prince of Wales. After this, about the 3d of July, she will sail to the Baltic sea, visiting Stettin, where she will take in a fresh supply of coal, and thence will steer directly for Cronstadt. To-day Admiral S. S. Léssovsky received a letter from Mr. Fox, from which we derived the above intelligence. Consequently about the 22d of the month we may expect to see our transatlantic friends. Together with the Miantonomoh is coming to Cronstadt the side-wheel steamship Augusta, commanded by Captain A. Murray. The Miantonomoh is under the command of Commander Beaumont. Mr. Fox, Assistant Secretary of the United States Navy Department, is of course the chief of the detachment formed by the two vessels.

Our surmises concerning Admiral Goldsborough's squadron and the frigate Colorado are not as yet confirmed by any positive intelligence. If we are to believe the Moniteur de la Flotte, this squadron is ordered to Copenhagen.

The London Times relates that Mr. Fox had not originally intended to visit the Thames on his return from Cherbourg, but was, during his stay in London, so earnestly requested to give to the inhabitants of that metropolis an opportunity to see the Miantonomoh, that the assistant secretary of the United States navy could not resist the entreaties of his London friends. The Times directs the particular attention of its readers to this friendly proceeding on the part of Mr. Fox.

July 22.—We learn from the English Army and Navy Gazette, (under date of July 14,) that the monitor Miantonomoh arrived at Sheerness in the afternoon of Saturday, July 7, having effected the passage from Cherbourg in twenty-four hours. On Sunday the Miantonomoh went over to the Nore, and anchored. On Monday, the chief commander at the Nore, Vice-Admiral Sir R. Walker, with numerous suite, visited the American monitor. The public was admitted the same day; the visitors, who came in large numbers, cannot find terms strong enough to characterize the kind attentions and perfect urbanity of the American seamen. Tuesday noon the Miantonomoh, under steam, entered the port, and anchored alongside of the enormous iron-clad Lord Warren, building after the system of Reed. On this occasion the English gazette does not fail to draw a comparison between the American and the English iron-clad vessels, admiring, of course, the enormous bulk and the beauty of the Lord Warren, and forgetting that the two small turrets of the Miantonomoh might well prove more powerful than the apparently formidable broadsides of the English iron-clad frigate. We conclude by the

statement, which we find in the same paper, that the Miantonomoh, after some two weeks' stay at the Nore, will leave for Woolwich, and thence for Copenhagen and Cronstadt.

French papers contain also much talk about the Miantonomoh, and their appreciations, as well as those in the English periodicals, do not display particular sympathy for the evident success achieved by American ship-building. Of all French opinions, that of the Presse is the most remarkable. We will leave out details, descriptive of the Miantonomoh, as those details are not distinguished by accuracy, and cannot be new to our readers, who have seen our numbers 67 and 72. Let us then point out to the attention of our readers the most piquant passages of la Presse's curious article.

According to the opinion of the correspondent de la Presse, the Miantonomoh may be used exclusively in coast-defence, and can, by no means, expect to be successful in an attack from a distance upon the enemy's coast, or in a regular naval battle with iron-clad line-ships, such as the Magenta, the Solferino, the Couronne, the Heroine, and so forth. American officers (continues the Presse) affirm that, with the Miantonomoh, they would ask only three-quarters of an hour's time to destroy the Magenta, but we answer to this, that our Magenta, considering her speed and her enormous strength, will, with one stroke of her ram, pierce, run down, and annihilate such a tortoise as the Miantonomoh, and will pass over it, notwithstanding the thickness of its shell. Further, the French correspondent says that the Miantomoh is a vessel bearing some resemblance to the French Toreau, but the Toreau is by far superior to the American monitor. According to the Presse, the Miantonomoh hardly sails 8½ knots, whereas the French iron-clads, the Magenta, the Solferino, the Couronne, and the Heroine, when making part, in 1863, of Admiral Penaud's squadron, showed a speed of 12 and 14 knots.

To the artillery of the Miantonomoh, the French paper renders full justice, speaking of it with due reverence, perfectly justified by the solid and respectable appearance of shots weighing 450 to 480 pounds. The Presse concludes by delivering itself of the following statements: The Miantonomoh was built at Brooklyn, at a cost of eight millions of dollars. The vessel bears the name of a lake situated in Connecticut, and will be (the Presse positively asserts) sold to Russia for $4,000,000. Of course, we have not to confirm this strange rumor, circulating in Cherbourg, and will limit our own conclusion to saying, that the general character of the above cited French article bears the stamp of partiality, boasting, and exaggeration, displaying, on the part of the Cherbourg correspondent to the Presse, strange feelings of envy and malevolence.

July 25.—By our last news, received by mail, we learn that the monitor Miantonomoh, together with the escorting steamship, left England July 16. By a telegram from Copenhagen, communicated to us yesterday, we are informed of the safe arrival at that city of the monitor Miantonomoh and steamship Augusta, at 7 p. m., Saturday, July 21. Another telegram, received yesterday, (23d July,) from Copenhagen, announces that the American squadron will remain at Copenhagen but a few days; Mr. Fox comes by the land route from Cologne, probably on Tuesday; as soon as the squadron will have left for Cronstadt, it will be notified by telegraph.

We give these communications as they were received, abstaining from any comment; but we reckon that the American monitor cannot possibly arrive at Cronstadt before the end of next week.

July 27.—We have, for the present, nothing new to communicate to our readers concerning the American monitor staying now at Copenhagen. A telegram to announce the Miantonomoh's departure from Copenhagen is expected here every minute. Before the reception of that despatch it is difficult to calculate, even approximatively, the date of the monitor's coming to our port. However, already dispositions are made concerning the first meeting of our transatlantic friends, and pilots who will have to guide them to the harbor are appointed, and stand in readiness.

July 29.—We learn from a reliable correspondence, dated Copenhagen, July 12–24, that Fox was to leave the capital of Denmark on Wednesday, 13–25, intending to steer straight to Cronstadt, and to make the passage in five days. But it appears that rumors about the cholera, probably much exaggerated abroad, have occasioned a modification of this plan, and that the monitor Miantonomoh and the steamship Augusta will, on their way, visit Carlscrona and Stockholm, there to await more favorable reports of the epidemic in Russia.

CRONSTADT, *August* 3.

July 21, (*August* 2.)—To-day a telegram was received at Cronstadt, stating that Mr. Fox left Copenhagen on board the Miantonomoh, Tuesday, July 19–31, for Helsingfors, where he intends to wait for news about the decrease of the cholera.

CRONSTADT, *August* 5.

July 23, (*August* 4.)—This morning a despatch from Helsingfors informs us that Mr. Fox, with the monitor Miantonomoh and the escorting steamship Augusta, safely arrived there yesterday, July 22, (August 3,) at 3 p. m. Our iron-clad squadron, under the flag of Rear-Admiral Likhatsheff, of his imperial Majesty's squadron, sailed this morning from Transund for Helsingfors, to meet our transatlantic friends. This squadron, as our readers know, is

complete, numbering the iron-clad frigate Sebastopol; the iron-clad floating battery Netronne Menia; the double turreted iron-clad gunboat Smertsh; the monitors Peroon, Edinorog, Lava, and Streletz; the screw frigate Dmitry Donskoy; the steam propelling side-wheel frigates Khrabry and Vladimir; the steam clipper Yakhont, and the side-wheel steamship Ylmen. This squadron will reach Helsingfors, probably, on Sunday morning. Our officers will, of course, inform Mr. Fox of the true state of things concerning the epidemic, which is rapidly decreasing, and so dispel the apprehensions awakened by exaggerated foreign accounts. We may therefore hope that our American guests will soon appear at Cronstadt in company with our own squadron.

ARRIVAL OF THE AMERICAN SQUADRON IN THE ROADSTEAD OF CRONSTADT.*

August 8.—On Monday, July 25, (August 6,) early in the morning, the telegraph of Krasna-Gorka announced that a squadron of men-of-war appeared on the horizon. These were the American monitor Miantonomoh and steamship Augusta, escorted by the iron-clad squadron, under command of Rear-Admiral Likhatsheff. About nine a. m. the approaching ships might be seen with the spy-glass from merchants' wall, and at ten they were near the great Cronstadt roadstead. The vessels were advancing in a line of three columns. The American steamship Augusta, followed by the monitor Miantonomoh, formed the middle column, the flank columns being composed of the vessels of our iron-clad squadron—the frigate Sebastopol, the floating battery Netronne Menia, the double turreted gunboat Smertsh; the monitors Lava, Streletz, Edinorog, and Peroon; the screw frigate Dmitry Donskoy, the screw clipper Yakhont, and the steam propelling frigates Khrabry and Vladimir. The American steamship and monitor were in advance of the columns formed by our vessels. As the Augusta came near to the ports of the great roadstead the Russian imperial flag run up her top-gallant mast, and she began to fire the national salute of twenty-one guns. This was responded to by the same number of guns from the battery of merchants' wall, and the hoisting of the American flag to the flagstaff of the inner guardship. Then followed the customary salute to the admiral's flag by nine guns fired from merchants' wall, to which the iron-clad frigate Sebastopol responded by seven guns. Meanwhile, the American steamship was approaching at a reduced speed towards the little roadstead. A multitude of ship's boats of the imperial navy, and yachts of the River Yachting Club of St. Petersburg, tacking under sail in every direction, came forth to meet the American friends. Early in the morning special bulletins, issued from the office of the Cronstadt Herald, informed our public that the Americans were expected at 10 a. m., and that a steamship of Oranienbaum, provided by the city, would, at half-past nine, start with passengers to meet the American squadron. At ten the steamship Luna, having on board a considerable number of passengers and a band of musicians, appeared in the little roadstead. As the Luna came near to the American steamship Augusta the band on board the Luna began to play the American national hymn, and the public on her deck, as well as the immense crowd, assembled on the pier of the commercial harbor, welcomed the guests by loud and prolonged "oora," (cheers.) The officers and the crew of the Augusta answered by cheers and waving of their hats. The Luna, after having welcomed the Augusta, continued to advance to meet the Miantonomoh, which was approaching towards the little roadstead, and the hymn and the cheers were repeated once more. The piers of the commercial and the inner harbors were crowded to the utmost, and all present heartily welcomed the arriving transatlantic friends; there was no end to the cheers from the piers and from the American vessels. It was a sight of truly imposing effect. The American monitor, slowly gliding past the beholders, presented an original and martial picture. At three-quarters past ten the American steamship and monitor were coming near to the anchorage which they had to occupy in the little roadstead. At this very moment Rear-Admiral S. S. Léssovsky, of his imperial Majesty's squadron, set out in a cutter, from the commercial harbor, on his visit of welcome to the envoy of Congress, Mr. Fox. In another cutter, bearing the Russian merchant flag, were conveyed to the American vessels the mayor of the city and the deputies of the city council, bearing to the visitors compliments and offers of service on the part of the city. After them went officers detailed by all the vessels arrived on that day, and all the ships lying in port, to compliment the Americans upon their safe arrival.

After the visit of Admiral Léssovsky, Assistant Secretary Fox and the commanders of the Miantonomoh and the Augusta were conveyed, in company with S. S. Léssovsky, by our admiral's cutter, towed by the steamer Koldoontshik, to the haven, and alighting on Petrovsky quay, proceeded to the town upon their visit to the chief commander of the port, his Majesty's aide-de-camp general, Admiral T. M. Novossilsky. On their return from that visit, the envoy of Congress and Admiral Léssovsky left the Miantonomoh for the Neva, steam-propelling yacht of our Acting Secretary of the Navy Department, and sailed to St. Petersburg. The departure of our admirals, Léssovsky and Likhatsheff, was saluted by the Augusta with nine guns for each. These salutes were returned by the same number of guns fired from the admiral-ship, the frigate Sebastopol. The moment the American envoy set foot on board

* This narrative was published on the 25th of July, (6th of August,) in a supplementary sheet, distributed by the Cronstadt Herald to its city subscribers, and reprinted in its number of August 8.—*Note of the translator.*

the Neva, she ran up the American colors, which were immediately saluted by thirteen guns from the Augusta, where the American flag was displayed on the top-gallant mast.*

On the following day, July 26, (August 7,) at 9 a. m., the chief astronomer of the naval observatory of Cronstadt, L. E. Huebner, visited the steamship Augusta and the monitor Miantonomoh and presented to the American commanders documents written in English, and containing information in reference to his specialty. At ten the chief commander of the port, aide-de camp general, Admiral T. M. Novossilsky, accompanied by the chief of the staff, Rear-Admiral T. N. Tikhmenieff, Captain of the First Rank Bajenoff, and the aide-de-camp of the staff, came on board the American vessels, to repay the visits received by him from the American commanders the day before. While his high excellency was staying on board the Augusta, she displayed the Russian colors and fired a salute of seventeen guns. This was immediately responded to by the same number of guns fired from the screw sloop-of-war Griden, who displayed at the same time the American colors. After visiting the Augusta, the admiral repaired on board the monitor Miantonomoh and surveyed her in every particular. In his high excellency's presence the working of every apparatus was experimentally exhibited; the revolutions of the turrets, the play of the 15-inch guns, and the action of the ventilators, supplying with air the state-rooms and all the habitable parts of this almost submarine vessel.

The monitor Miantonomoh presents a magnified type of our own monitors, and is very like them as to the principle and the system of construction. In any case, the Miantonomoh, by crossing the ocean, has established the sea-faring ability of the monitors, and, therefore, deserves to be carefully studied by professional men.

At eleven the admiral left the monitor. The cutter conveying the admiral to the haven met on its way with two cutters. These were carrying the deputations of the naval assembly of Cronstadt and of the imperial navy library. The two deputations offered to Captains Murray and Beaumont, and to all the officers of the American squadron, personal cards of membership to the assembly and the library.

At noon the steam-propelling yacht Neva, bearing on her fore-top-gallant mast the flag of the river yachting club of St. Petersburg, arrived in the eastern roadstead. At the same time a numerous fleet of diminutive yachts of the club made their appearance, all under sail. Therefore, our roadsteads and harbors presented a picture of extraordinary animation, crowded as they already were with the ships of our squadron and a multitude of merchantmen, filling at present our port, as if for this very occasion. The Neva despatched to the American vessels a deputation bearing compliments upon the safe arrival of our transoceanic friends.

At 1 p. m. the commanders of the American vessels, in company with the United States vice-consul, A. H. Wilkins, called at the commander's of the fortress, Rear-Admiral A. V. Shtschulepnikoff, and other local authorities.

About 2 p. m. some thirty American officers were taken from their respective vessels on board the steamer Ishora. Near the haven these gentlemen, escorted by a lieutenant of the imperial navy, passed on board the steam barge Koldoontshik, and were landed on the estrade of the inner haven; thence they walked along the Hospodsky street to the building of the naval assembly and library. Here they were received by the members of the committee on reception.

When they visited the library elegantly bound catalogues were presented to each officer. Here they could see the reverently preserved charts, delivered in 1863 to Admiral S. S. Lessovsky by the city of New York and the State of Rhode Island, and presented by him to the museum of the library.

At half past two the strains of the American national hymn resounded in the magnificent hall of our naval assembly, and the whole company sat down to table. This lunch had no official character and was distinguished by a tone of friendly companionship which our guests had the good taste to establish at their first acquaintance with the gentlemen, who had undertaken the pleasant task of tendering to them a hearty hospitality, and of being their guides throughout our capital and its evirons.

At 5 p. m. a dinner was given by the chief commander of the port to the commanders of the American vessels, with the participation of some higher members of the administration of Cronstadt.

To-morrow our guests visit Peterhof. The envoy of the States, Mr. Fox, his secretaries, and captains, Murray and Beaumont, will have the honor to present themselves to his imperial Majesty the Emperor, our sovereign.

The officers of the American squadron, after a drive in the splendid park of Peterhof, will be conveyed to the Yelaguinn island, where there will be a display of fireworks in the evening, to-morrow being the birthday of her Majesty the empress.

On Thursday morning his imperial Majesty is expected to visit Cronstadt. The same day, at five in the evening, a great dinner is appointed to take place in the hall of the naval assembly. This dinner will be given in the name of the Russian navy, in honor of Mr. Fox and the American seamen.

Friday, July 29, (August 10,) a dinner given by the citizens of Cronstadt is to take place in the City Hall August 10.

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* To this account is prefixed a roll of the officers in the American squadron.—*Note of the translator.*

CRONSTADT, *July* 28, (*August* 9.)

We are so very confident of our readers being interested in every particular relating to our American friends, that we readily postpone our other current articles to give place to the accounts of our visitors' doings. In our last correspondence we informed our readers that Mr. Fox, his secretaries, and Captains Murray and Beaumont, were to present themselves to his Majesty the Emperor at Peterhof, on her Majesty the Empress's birthday, July 27, (August 8.) On this occasion the Assistant Secretary of the United States Navy Department had the honor to present to his Majesty the joint resolution of Congress, the contents of which are already known to our readers. The account of the audience given by his Majesty to Mr. Fox was immediately communicated by the cable to New York, so that the first telegram sent over from Russia to America was called forth by the address in which the glorious American nation expressed its profound esteem and sympathy to the person of our reverenced monarch. After the audience Mr. Fox, General Clay, the United States minister resident at the imperial court, their secretaries, and Captains Murray and Beaumont were invited to the ministerial table in Peterhof.* In that city they spent the remaining part of this day—undoubtedly as memorable to Russians as to Americans.

The officers of the American squadron also spent that day at Peterhof. At 11½ a. m. they were taken on board the steamer Onega by the president of the committee on reception, Rear-Admiral (H. I. M. S.) Lessovsky, in company with some members of the committee. At half past twelve the Onega reached the pier of Peterhof, near which the imperial linest (leeneyki) stood waiting for our transoceanic friends and the Russian officers accompanying them. In these carriages our guests took a drive along the cool, shaded avenues of the lower park, where the eye meets at every step with luxuriant verdure and sparkling fountains, outvying, perhaps, in numbers and beauty the celebrated waters of Versailles.

The American seamen, however cold and indifferent in appearance, surveyed all these wonders of art and nature with profound feelings of enthusiasm and admiration. The carriages, after a few minutes' halt near the lake of Marly, continued to move amid new scenery toward his Majesty's own villa. This palace, built in the elegant and coquettish style of the reign of Louis XV, and inwardly ornamented with graceful objects of art, and with excellent copies of the incomparable Watteau and Boucher, was shown to our dear visitors.

After a drive through the English park, our guests visited the islands of Olga and of the Czarinn, upon the small lakes, then the great imperial palace of Peterhof, and returned, at half past three, to Monplaisir‡ in the lower park, where a dinner was ready for the whole company. After dinner, more visiting. The bathing establishment, the fountains of the old park, the imperial stables, and various other sights were shown to the guests. After this, the leeneyki (carriages) of the court drove near to the pavilion before Monplaisir, where a band of musicians was to play, and where a numerous and extremely elegant attendance had assembled, attracted by the general curiosity of seeing the guests, the objects of such friendly hospitality, in the gardens of the Russian Czar. The musical entertainment was introduced by the American national hymn, and the popular song of Yankee Doodle.

Our account of this visit to Peterhof cannot be possibly completed without our mentioning two episodes which marked the day. In the lower park, near the imperial bathing establishment, the American seamen met, by chance, with General Todtleben. Upon learning the general's name, they expressed their desire to be introduced to him. To this the general gladly assented; and these heroes of Charleston, Mobile, New Orleans, &c., shook hands with him, giving signs of peculiar esteem. After this they asked leave to give three cheers in honor of the celebrated engineer who defended Sebastopol, and their voices mingled in a friendly harmony with the unceasing music of the fountains of Peterhof. The second episode alluded to happened on the island of the Czarinn. Here was shown to the Americans an oak grown out of an acorn brought from the tomb of Washington. With what deep, almost religious feeling the visitors looked upon the young tree. Each of them took a leaf from it, and these leaves will, no doubt, cross the ocean and testify in America to the profound reverence paid in Russia to the memory of the great founder of the Union, the first champion of American independence.

The party spent the remaining part of the day on Yelaginn island, where there was a splendid display of fireworks in honor of the highly solemn birthday of her Majesty. The night had already set in when the steamer Onega entered the little Nevka and stopped by the side of the yacht belonging to the acting minister of the navy. The banks were covered with thousands of beholders. Bonfires were lighted everywhere. The river was literally blocked with myriads of oared boats bearing lanterns and illumination-lamps. Bands of musicians were placed on many points, and everywhere the Onega was greeted with loud hurrahs and the American national hymn. Our guests were invited by the acting minister of the navy, (secretary of the navy department,) Aide-de-camp General N. K. Krabbe, to come on board the steamer Neva to witness the fireworks. The welcome of the people, the

* Ministerial table is a technical term of the Russian court language, meaning such imperial dinners to which only the dignitaries of the two first classes are invited.—*Note of the translator.*

† Uncovered carriages of a peculiar style, imitating the hunting equipages of the epoch of Louis XIV. In Russia this style of carriages is at present in use only at the imperial court.—*Note of the translator.*

‡ Another imperial palace.—*Note of the translator.*

expression of profound sympathy on the part of the masses, brought to the manly features of the gallant American seamen evidences of deep emotion. They answered to the loud cheers of the crowds by our Russian "oora," and seemed highly pleased with the reception.

The display of fireworks ceased at 11, after which our guests repaired to the Hotel de France, where apartments were prepared for them. To-day, early in the morning, the American seamen returned to Cronstadt on board the Onega, and, while we are writing these lines the air resounds with the cheerful salutes fired in honor of his Majesty the Emperor, who visits to-day the monitor Miantonomoh and the steamship Augusta. Another of our correspondents will give an account of to-day's events.

Yesterday, August 9, it pleased the Emperor our sovereign to visit the roadsteads of Cronstadt. At 10 a. m. the steam-propelling yacht Alexandria, under his Majesty's pendant, left the pier of Peterhof and reached, at 10½ a. m., the little roadstead of Cronstadt. When the Alexandria came in sight of the eastern roadstead a salute of twenty-one guns was fired by the steamship Augusta, bearing on her top-gallantmast the pendant of the highest in rank of American commanders present. Upon a signal from the Alexandria, the screw sloop of war Griden, lying near the American steamship, responded to the salute by firing the same number of guns and displaying the American colors.

His Majesty, accompanied by their Imperial Highnesses the Crown Prince Cæsarevitch Alexander Alexandrovitch, the Grand Dukes Vladimir Alexandrovitch and Nicholas Nicholævitch, senior, and a numerous suite, was pleased to visit the Miantonomoh, and to survey her in every detail. Then the Emperor went, in a cutter, to the steamship Augusta. As his Majesty left the monitor, her 15-inch steel guns fired a salute of twenty-one guns, which was answered by the same number of guns from the sloop of war Griden. According to the statement of the American officers, this was the first instance of a salute fired by the 15-inch guns since they were known in America, and it was done as a mark of particular respect and gratitude to the Emperor of Russia.

Yesterday, at 5 p. m., a grand dinner was given by the members of the Naval Assembly of Cronstadt to the envoy of the United States and the commanders and officers of the American vessels. The hall of the assembly was gorgeously docorated with flags, flowers, and exotic trees. The most prominent and tasteful part of the decoration was a shield covering entirely one of the walls, and bearing upon a ground of red cloth the portraits of Washington, Lincoln, and Johnson, encircled in wreaths of flowers and surrounded with lofty exotic trees. The portrait of the Emperor our sovereign occupied the opposite wall decorated with imperial standards and garlands of verdure. Besides, every part of the hal. was adorned with Russian and American flags, flowers, and exotic trees. The state staircase was no less brilliantly ornamented with lamps, sconces, and flowers. Opposite to the entrance, amid groups of trees, stood, facing each other, the busts of the Emperors Peter I and Alexander II, supported by decorated pedestals. In the hall, two bands of musicians were playing alternately; the band of Liadov, from Petersburg, and that of our port-service. The dinner was furnished by the celebrated Petersburg restaurant of Dusseaux.

We regret to be prevented, by want of time, from communicating the many remarkable speeches which were delivered on this occasion, and all the particulars of this interesting festival, organized by the Russian seamen in honor of our transatlantic friends. We will try to give a more circumstantial narrative at the next opportunity.

August 12.—The presence of the American squadron in our port, the friendly, nay, the enthusiastic reception by the inhabitants of Cronstadt of our dear transoceanic friends, and the marks of most glowing, hearty sympathy mutually exchanged at every meeting between the Russians and the citizens of the great American republic, who come with their glorious vessels to pay us a friendly visit, have removed to the background every other interest. It can be positively said that there is not a single man in Cronstadt, whatever his station or age, from the highest dignitary to the humblest laborer, from the stately patriarch to the hardly speaking child, who does not feel interested, make inquiries, and talk about our present dear visitors, who were so long expected. Besides those friendly feelings which were always mutually entertained between Russians and Americans, and were so fully displayed upon the occasion of our squadron's visiting the ports of the United States, there are other causes for our present enthusiasm: the object of the visit, and the heroic character of the experience achieved by our transatlantic friends in their crossing the ocean with a vessel which was, until now, held good but for coasting purposes. This exploit must be considered as one of real fearlessness and daring, and may well afford thought to those who cherished the opinion that a fleet built after the new American system could be used only to defend one's own coast against foreign attacks. The Americans have succeeded in proving what other emergencies might be met with such a fleet.

In the last number of the Cronstadt Herald we gave a slight sketch of the great dinner which was given in honor of our American guests. This dinner was gorgeous to the fullest extent of the word's meaning, and perfectly answering to the idea of an entertainment offered on the part of the Russian navy to those who represent to us the American navy and the people of the great republic. Our former correspondence has spoken, at length, of the style in which was decorated the magnificent hall of the Naval Assembly of Cronstadt, where the dinner tables were spread, and we could not add anything to that part of our description. Long before the appointed hour the hall was filled with visitors, every one

hurrying to get a place in the great hall to witness the coming solemnity, and to hear the accompanying speeches. The principal entrance was surrounded by a numerous public, composed of most various elements, all anxious to get a glance of the American seamen. Before the entrance a band of musicians was playing. In the hall, each of the two choirs was occupied; one by the band of Liadov, and the other by our own band of the port-service. The musicians were driven to the very bottom of the choirs by the ladies, who gathered in large numbers, curious to see the general *coup-d'œil.*

The tables were dressed in a splendid style; each seat was provided with a bill of fare upon a card artistically adorned with vignettes executed by one of our best artists, and we think that a detailed description of these engravings will not be without interest to those of our readers who were not present at that memorable festival. The cards are of thick Bristol paper; in its upper part the engraving represents the roadstead of Cronstadt with one of its forts, and the Miantonomoh sailing past the fort; in the largest link of chain surrounding the vignette stands 1866; on each side of it are drawn bays, formed by a winding cable; in the upper corner of the right-hand bay stands 1492, the year of the discovery of America; beneath this date the glorious names of Columbus, Washington, Fulton, and Lincoln; in the corner of the left-hand bay 862, the year of the foundation of the Russian empire; beneath it the glorious names of Vladimir, Dmitry, Donskoy, Peter the Great, and Alexander II; at the foot of the vignette is the inscription (in English) "Miantonomoh's arrival at Cronstadt;" under the rope bays, containing the celebrated names of the Russian and American history, a Russian and an American seaman are represented standing upon the yards, and holding each a hat in one hand, as if greeting each other, and in the other hand having each a pair of interwoven Russian and American national flags. The staffs of these flags seem to support the vignette figuring the roadstead of Cronstadt. Upon banderoles, running along the ridges on both sides of the card, are engraved the most glorious names in the naval history of both countries, Gangout, Tshesma, Reval, Navarin, Sinop, Sebastopol, Mobile, Charleston, Fort Fisher, New Orleans, &c.

Precisely at 5 p. m. the distinguished guests who arrived at Cronstadt by the steamers Onega, Neva, Ishora, and Koldoontshik, began to drive up to the perron of the assembly building. Some of the persons invited could not come for various reasons. The following distinguished guests honored the festival with their presence: Mr. Fox, Assistant Secretary of the United States Navy Department; General Clay, United States minister resident; the secretaries of the two envoys, Messrs. Curtin, E. H. Green and J. F Loubat, Captains A. Murray and J. C. Beaumont; and the officers of the Miantonomah and the Augusta. Among the number of Russians who honored the feast with their presence were Prince P. P. Gagarinn, president of the committee of ministers; Count Shoovaloff, chief commander of the corps of gendarmes; Aide-de-Camp General Todtleben; the minister (secretary) of the public lands; the minister of instruction; the minister of finance; and the state comptroller. Prince Gortschakoff could not come on account of illness. The city of Cronstadt was represented at this dinner by the head of the city, Mayor F. S. Stepanoff; the members of the dooma, (board of aldermen,) V. M. Koodriavtzeff and V. D. Nikitinn; the honorary citizen* P. V. Baykoff; and the merchants, A. T. Blinoff, P. A. Vassilieff, A. V. Moorasheff, T. T. Ossetroff, and M. T. Tshawsoff. We do not mention the many persons of note belonging to the navy, as they were rather the masters than the guests of the festival.

The coming of the American guests was announced to the visitors assembled in the hall by the loud "oora" of the immense crowd with which the street leading to the building of the Naval Assembly was literally overflowed. At the same time the band, which was placed before the principal entrance, began to play the American national march. At the outer door of the assembly the American officers were received by those of our navy officers, with whom they had already become acquainted at a lunch on the third day after their arrival in our roadstead. The guests and the hosts went arm in arm into the private dining-room of the club, where tables stood ready, covered with a variety of tempting good "zakooska,"† and amply provided with drinks of both Russian and American nationalities.‡ Having refreshed themselves by this preliminary zakooska, the guests repaired to the state hall, where they sat down to dinner, and Russians and Americans mingled in friendly conversation, distinguished by mutual complimentary addresses. It is to be regretted that (no stenographer being in attendance) the speeches delivered upon this memorable occasion were not reported. Not trusting to memory, we cannot undertake to quote the words used by the persons who spoke in the course of the dinner, fearing to spoil their meaning, and will limit our account by saying that every sentence spoken, as well on the part of the Americans as on that of the Russians, was marked by the same feelings of profound esteem and disinterested sympathy which are mutually entertained by the two great nations—Russia and the United States of North America.

SIRE: The resolution which I have the honor of presenting to your imperial Majesty is the voice of a people whose millions of lips speak from a single heart.

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* A title granted by the Crown for public services to subjects not belonging to the Russian nobility.—*Note of the translator.*

† After-bit: from being eaten after drinking a glass of whiskey.—*Note of the translator.*

‡ A glass of whiskey and some bits of salted or smoked eatables are generally considered in Russia as good preparatives for dinner.—*Note of the translator.*

The many ties which have long bound together the great empire of the east and the great republic of the west have been multiplied and strengthened by the unwavering fidelity of the imperial government to our own throughout its recent period of convulsion.

The words of sympathy and friendship then addressed to the government at Washington, by command of your imperial Majesty, are fixed in the eternal remembrance of a grateful country.

As one of the wide family of nations we yield our willing homage to that noble act of humanity which is especially referred to in the resolution of Congress. The powerful edict of an enlightened sovereign has consummated a triumph over an inherited barbarism which our western republic has only reached through long years of bloodshed.

It is therefore with profound emotion that I offer to your imperial Majesty, to the emancipated subjects, to all the people of this vast realm, our heartfelt congratulations upon the providential escape from danger which led to this spontaneous expression of regret for the attempt, and thankfulness for its merciful arrest and failure.

The story of the peril from which a kind Providence has delivered your imperial Majesty brings with it the remembrance of the mighty sorrow which so lately filled every loyal heart in our own land at the sudden loss of our Chief, our Guide, our Father.

We thank God that a grief like this was spared to our friends and allies, the Russian people.

May the Father of all nations and all rulers protect, prolong, and bless the life which He has so signally preserved for the service of the people to which it belongs for the good of mankind and the glory of His holy name.

G. V. FOX,
Assistant Secretary of the Navy.

August 15.—To-day we continue the chronicle of our American guest's sojourn at Cronstadt on the day following the splendid and truly cordial banquet given in the Naval Assembly with the participation of over five hundred persons in honor of the American officers. These gentlemen were invited in the morning to visit, in company with our navy officers, all the remarkable sights of the city and of the port of Cronstadt. Our officers who gathered on the pier of the Petrovsky harbor there, to be joined by their American friends for the proposed excursion, had occasion to meet with Mr. Fox and to accompany him to the cutter which was to convey the American envoy and his secretaries to the roadstead upon their visits to the commanders of our men-of-war lying in port.

It was originally proposed to show to the officers of the American squadron the new docks, the steamboat engine building establishment, the arsenal, the new admiralty, and the naval observatory; but it so happened the Americans were delayed on board their ships, and arrived at the pier much after the appointed time. Instead of 10 a. m., as intended, they landed at 12.30 p. m., and therefore had not sufficient time to see much of what was to be shown.

From the pier of the Petrovsky harbor they went, in company with their Russian friends, to the arsenal. Here they were received by the superintendent of the artillery of Cronstadt, Colonel Pestitsh, who readily offered himself to point out to the attention of the visitors all the objects worth seeing. Particular attention was bestowed by our American friends upon the great number of war trophies, especially flags taken from the stern of the enemy's ships which were captured in many glorious naval battles won by our navy at the end of the last and the beginning of the present centuries. The American officers shook hands with their Russian fellow-seamen, saying that they greeted in them the representatives of a navy which has to boast of a history so rich in glorious records. No less interested were the visitors by the admirably well executed models of Russian men-of-war which occupy a special chamber of the arsenal. These models were examined in every particular and with the greatest attention. The American gentlemen also very much admired a plan of Cronstadt and of its environs and forts, executed in relief with a truly artistic finish.

Having visited the arsenal, the party went to the summer residence of the naval club, where a lunch was kept ready. Here the party was increased by the gentlemen of two deputations, just arrived from Petersburg to invite our American friends to banquets organized in their honor—one by the assembly of the nobility, and another by the commercial association of mutual support. After lunch the excursionists repaired to the steamboat engine building establishment. They were received by Colonel Sokoloff, the superintendent, who guided them through all the parts of this remarkable engine manufactory. Many of the party being engineers, every apparatus was examined in all its details. The representatives of a country where the engineering art is developed to its highest point acknowledged that an establishment like the one they had just surveyed would be an object of particular notice, even in America.

Having examined this establishment, which took no less than an hour and a half of their time, the visitors passed to the new docks in a steam-barge which was put at their service by Colonel Sokoloff. Time wanting, the new docks, so remarkable by the gigantic dimensions of the works in progress, were but summarily surveyed. The visitors had to return to the steamboat engine building establishment on their way to the naval observatory, where they arrived at 4 p. m. As the appointed time of the dinner to be given to them by the city of

Cronstadt on that day was at 5 p. m., they had but an hour to devote to the proposed survey of the observatory and to their repose, which was necessary after their rather long excursion. When, after leaving the new docks, the party was embarking upon the steam barge, which lay waiting for them, a crowd of workmen, who abandoned their work, prompted by an eager desire to see the American friends, swarmed upon the landing-place and greeted them by loud and numerous "ooras."

At five o'clock of the afternoon, the American officers were conveyed in carriages supplied by the city to the building of the City Hall, where the banquet organized in their honor was to take place. Before the state perron a military band of musicians were already playing. The part of Hospodsky street along the building of the city offices was literally overflowed with thousands of lookers-on. As the distinguished guests were driving near to the perron, the band began to play the American national march and the crowd met them by loud and prolonged "ooras."

The state staircase as well as the perron were tastefully and richly decorated with trees and flowers, and covered with splendid carpets. The apartments, elegantly adorned with flowers, displayed everywhere Russian and American flags. The arms of Russia and of America, surrounded with live verdure and draped with national colors, attracted the eye at every step. In the state hall, decorated with great taste, were placed portraits of the Emperor, our sovereign, of Washington, Lincoln, Johnson, and Komissaroff-Kostromskoy.*

The tables were spread in a truly magnificent style. Each guest had his place marked in advance; the distribution of the seats being so calculated as to place near every American gentleman some one of the Russians who could speak English. The managers and masters of the banquet met their guests at the entrance doors with most friendly compliments of welcome. The presence of Joseph Ivanovitsh Komissaroff-Kostromskoy excited the liveliest interest of the American gentlemen. They expressed their particular regard for him who had achieved the never-to-be-forgotten exploit of preserving the life of the Czar, liberator of millions of men; the Czar whose reign brought to Russia a brilliant epoch of beneficent reforms, which have already promoted the welfare of our country and promise a still more brilliant future.

Among the visitors were, in the first place, our transatlantic guests, the envoy of the United States, Mr. Fox, and his two secretaries; United States minister resident at the imperial court of St. Petersburg, General Clay; the secretary of the American legation, Mr. Curtin; the commanders of the American vessels, Messrs. Murray and Beaumont; and all the officers of the squadron who were free from service on that day. Among the number of Russian gentlemen who were present we will mention O. T. Komissaroff-Kostromskoy; P. T. Lilienfeld, president of the rural administrative council of Peterhof; M. A. Atriganieff, marshal of the nobility of the district of Peterhof and the local dignitaries of Cronstadt; the military general-governor, aide-de-camp general, Admiral T. M. Novossilsky, of his imperial Majesty's suite; Rear-Admirals S. S. Lessovsky and A. A. Popoff; the chief of the governor's staff, the commanders of the forts, and many other representatives of the different branches of the army and navy service.

At half-past five of the afternoon the guests went, to the sound of music, into the dining-rooms. In one of the rooms a zakooska [see note] stood ready. Each American gentleman went arm-in-arm with one of the managers and hosts of the festival. On this occasion, as at the dinner of the naval assembly, given the day before, every seat was provided with a card bill of fare and a programme of the pieces to be executed, during the dinner, by the band of Liadov. There was also the band of our port service, to play alternately with the former. The bill of fare cards were likewise adorned with appropriate vignettes, illustrative of the alliance and cordial friendship uniting the two great nations—Russia and the United States of North America. In the upper part of the card, on each side, national flags, stripes and stars—American; and three stripes—Russian. Between the flags, in a wreath of oak leaves, two hands joined in a friendly clasp—emblem of the everlasting friendship and love between the Russians and the Americans, whom no misunderstanding had ever divided, and who, in the hour of heavy national trial on the other side of the ocean, joined in a fraternal embrace. Under the flags, along the ridges of the card, broadsides of men-of-war, with ranges of cannon peering out of the hatchways; and in the lowest part of the card Mercury, the protector of commerce, and Neptune, the ruler of the seas. The fare was exquisite, this branch having been intrusted to the well-known art of Dusseaux.

When the tumblers were filled with champagne the mayor of the city of Cronstadt, Philipp Stepanovitsh Stepanoff, proclaimed a toast for the health of the Emperor, our sovereign. Therewith, Philipp Stepanovitsh said:

"To-day is a feast with us. With us are the dear guests who came across the ocean to congratulate us upon the happy preservation of our Czar-liberator's precious life, and I invite them to join with us in a toast for the health and long life of the Emperor, our sovereign." Oora!†

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* The gentleman who on the 4th of April, 1866, diverted the assassin's arm from the person of Emperor Alexander II.—*Translator's note.*

† Every speech was translated, as soon as it was delivered, by Rear-Admiral Lessovsky; the Russian speeches into English and the English into Russian.—*Correspondent's note.*

This toast was received with loud, enthusiastic, and prolonged "ooras," mingling with the solemn strains of the Russian national hymn. The next toast, proposed by the mayor, was for the health of Mr. Johnson, President of the United States of North America. It was received with equally enthusiastic cheers. When the "ooras" subsided, Mr. Fox said:

"GENTLEMEN: Though we may differ in race, in language, in religion, and in our national aspirations, yet in the affectionate emotions of our hearts we meet upon common ground; let us, therefore, drink the health of her Imperial Majesty the Empress of Russia."

When the loud and prolonged "ooras" which drowned Mr. Fox's last words had subsided, Mr. Baykoff proposed a toast for the health of the Crown-Prince Cæsarevitsh, and of the reigning house. [Loud and animated "ooras."] Then the mayor offered a toast for the representative of the American nation, Mr. Fox. This was received with unanimous sympathy. Thereupon Mr. Nikitinn, having been allowed to speak in the name of the citizens of Cronstadt, said:

"Let us improve this moment's opportunity to lay before the right honorable Mr. Fox, representative of a great and glorious nation, our tribute of most sincere and warm gratitude for those testimonials of sympathy and friendship which, upon the event of the 4th of April, assumed the solemn form of a resolution of the United States Congress. Such sympathy is dear to us Russians. The citizens of America, in the persons of their representatives here present, join in our country's universal joy at the preservation of our adored monarch's life, and therefore, gentlemen, I offer a toast for the true authors of the present feast, the citizens of the great American republic." [Prolonged "ooras."]

Mr. Baykoff proposed a toast for the health of General Clay, United States minister plenipotentiary at our court. [Unanimous "ooras."] In response to this, General Clay said:

"As I am the representative of a great republic—the United States of America—I am, of course, a republican, and a more thorough republican could hardly be found either on this or on the other side of the ocean; but, after living for some time in a country which has a monarchical form of government, I was convinced that monarchy can be the best form of government, when at the head of it stands the best and the most virtuous of all men upon earth. This also before long will become the opinion of my honorable friend, Mr. Fox, when he shall have lived some time in Russia. I consider it, therefore, as my duty to propose a toast for everything Russian—for the Russian government, for the Russian navy, for the Russian army, and for the whole Russian commonwealth." [Prolonged "ooras" and applause.]

The mayor of Cronstadt proposed a toast for the health of the commanders, Messrs. Murray and Beaumont, and officers of the American squadron. The toast was met by loud and prolonged "ooras."

Then followed toasts for the chief commander of the port of Cronstadt, and the city mayor, the first toast being proposed by Mr. Stepanoff, and the second by Aide-de-camp General T M. Novossilsky. [Prolonged "oora."]

Mr. Nikitinn proposed a toast for the health of J. T. Komissaroff-Kostromskoy, whose, name is dear to every Russian.

Americans and Russians strike glasses with Ossip (Joseph) Ivanovitsh, and press his hand with deep feeling; repeated "ooras" in the hall and outside in the street.

After this, Mr. Nikitinn spoke as follows:

"In the number of reforms which distinguish the present reign, our new rural institutions occupy a prominent place, as they summon our society to reasonable self-action; therefore I propose a toast for the welfare of the rural work in Russia, and I add to it the names of the honorable represenatives of the rural communities of Peterhof, now between us, P. T. Lilienfeld and M. A. Atriganieff. [Loud and prolonged "ooras."]

Answering to this toast, P. T. Lilienfeld, in a long and very able speech, delineated the importance of Cronstadt as a military and commercial port; Cronstadt, girt with forts of granite, and surrounded with invulnerable monitors, being the bulwark of the empire. He concluded his speech by expressing a vow, that nothing would impede the progress of those grand and beneficent reforms which open a new era to Russia, the era of impartial and independent justice, the era of social and national development.

This speech was received with most enthusiastic "ooras."

Mr. Moorasheff proclaimed a toast for the everlasting friendship between Russia and the United States. [Loud "ooras."]

Mr. Curtin, secretary of the American legation, delivered in the Russian tongue the following speech:

"After Peter the Great had hewn a window looking upon Europe,* he founded Cronstadt and created in it a military fleet, that it might stand upon the watch before this window. The Baltic fleet has religiously fulfilled this duty bequeathed to it by the great reformer of Russia. For more than a century Cronstadt and its navy jealously kept this sacred post, and not one of the many foes who have made war against Russia has ever succeeded in blocking up this window hewn by the powerful hands of Peter I, and I am perfectly con-

*Mr. Curtin, who, during his two years' stay in Russia, has become perfectly familiar with Russian literature, begins his speech with a felicitous allusion to a well-known verse of Pooshkin, the greatest and most popular of Russian poets.—*Translator's note.*

vinced that in future, also, no one shall block it up. I therefore beg leave, gentlemen, to proclaim a toast for the city and fortress of Cronstadt, for all the Russian seamen generally, and for all the present inhabitants of Cronstadt." [Loud, uninterrupted "ooras," and general applause.]

The mayor proposed a toast for Stephen Stepanovitsh Léssovsky, and those of our seamen who visited, in 1863, the ports of the United States; which met with sincere and warm sympathy on the part of all present.

Then followed toasts for the development of commerce between Russia and the United States; for Baron Stoeckl, our envoy resident at Washington, for the people, the army, and the navy of the United States, for Russian public men, and, in conclusion, for the American and Russian ladies. It is to be regretted that the limits of our paper prevent us from giving all the details of this festival, organized by our city in honor of our dear visitors, with genial broad Russian hospitality.

Thus ended the dinner, but not the festival. Leaving the state-hall, guests and hosts went to the reception-rooms, and there enjoyed a friendly and animated talk, in which Russian and English sounds mingled together. When coffee and tea were over, a large table was placed in the room adjoining the hall, and in the centre of the table a silver bowl in which the "djonka"* was publicly prepared and lighted. Its friendly glimmering blue flames attracted to the table quite a number of guests; in this circle many more speeches were pronounced by Americans and Russians. It is not in our power to relate them here, which we regret, as they were not less interesting nor less eloquent than those delivered during the dinner; be it enough to say that they all were inspired by the same feeling of friendship which joins the hearts of both great nations.

After dinner many ladies, whose husbands or brothers were in the hall, stepped in for awhile to have a glimpse of the banqueting party. They were introduced to the American guests, whom they complimented upon their safe arrival at Cronstadt, expressing to them the gratitude of the Russian women towards the American nation for its sympathy, testified upon the occasion of universal joy to Russia—the preservation of our sovereign's life. When the ladies made their appearance in the apartments, one of the American officers offered a toast in honor of Russian ladies, and delivered on the occasion a short speech, wherein he highly praised the loveliness and the beauty of our fellow-countrywomen.

To this one of the Russian officers answered by a speech, wherein he equally extolled the beauty and loveliness of the American ladies, on whose part the Russians experienced such friendly reception in their visit to America.

We cannot conclude our account without mentioning an episode which took place with the participation of the public standing outside the City Hall, and filling the Gospodsky street. When Mr. Fox and J. J. Komissaroff-Kostromskoy appeared together at a window, and were seen by the crowds, a truly solemn moment ensued. Thousands of voices gave at once so mighty an "oora" that it resounded in the most remote parts of the city.

About ten o'clock at night the guests began to leave J. J. Komissaroff-Kostromskoy had great trouble to reach his carriage, on account of the dense crowd rushing to meet him with loud unceasing "ooras."

To-day, in the city garden of Cronstadt, a banquet took place, which was offered to the crews of the Miantonomoh and the Augusta. We postpone its description to our next correspondence.

SOJOURN OF THE AMERICAN SQUADRON AT HELSINGFORS.

As soon as the monitor Miantonomoh and the steamship Augusta entered the roadstead of Helsingfors (August 3) the director of the government institution of steersmen, Vice-Admiral Nordman, the governor of the city, of his Majesty's suite, Major General Vallen, and the commander of the port of Sveaborg, Captain of the First Rank Roodakoff, went immediately on board the monitor to compliment the United States Assistant Secretary of the Navy Department, Mr. Fox, upon his safe arrival, and to testify as to the general feeling of joy with which the city of Helsingfors receives the first appearance in its waters of the United States government flag. On this occasion the steamship Augusta fired a salute in honor of Vice-Admiral Nordman.

In the morning of the following day Mr. Fox, in company with Captains Murray and Beaumont, made official calls in the city. At noon a lunch was offered to the gentlemen of the American squadron. This banquet was organized in the establishment of the Mineral Springs, by the civil governor of the city, who had sent invitations to the military commanders of the place, the members of the government institutions of Finland, and the city dignitaries. About one hundred and fifty persons were present, among whom three English officers of the royal artillery, who happened to be staying, at that time, in Helsingfors. The hall was adorned with Russian and American flags, with flowers and trees and such other decorations as could be procured upon so short a notice.

Towards the end of the lunch Mr. Vallen, the governor, delivered, in the French tongue, a

* A favorite beverage with Russian army and navy officers—a kind of punch, of rum, sugar, fruits, &c.; which, after having been left to burn for some time, is finally extinguished by pouring into it champagne.—*Translator's note.*

speech, in which he expressed to the envoy of the great American nation's Congress how much Finland was gratified and honored by the happy chance of being the first to bid him welcome in the limits of the Russian empire. To this Mr. Fox answered by expressing his thanks for the hospitality of the city of Helsingfors, and by saying that the aim of the American squadron's visit to Russia was two-fold—to convey congratulations to his Majesty the Emperor upon his providential escape, and greetings to the Russian people in recognition of the friendly disposition which Russia had always, and particularly during the last American war, exhibited towards the United States. Then, pointing out to the place where the Russian and the American flags stood bound crosswise together, Mr. Fox added that Russia and the United States are as closely bound together by mutual friendship as those two flags In conclusion, Mr. Fox proposed toasts for the Emperor, the Empress, and the imperial family. After this, the governor, Private Counsellor Baron Shernwall Vallen, proclaimed a toast for the President of the United States. Then Vice-Admiral Nordman proposed a toast for Captains Murray and Beaumont and all the American officers present. Mr. Nordman seized this opportunity to thank them and their fellow-countrymen on the other side of the ocean for the friendly and truly kind reception which our navy officers met with in New York, Boston, and San Francisco. Mr. Nordman concluded by offering a new toast for the welfare of the American navy and the health of all the gallant seamen, who distinguished themselves during the late war. This toast was answered by Captain Murray. Then followed the toasts offered for the English officers, by Baron Vallen; for the American ladies, and particularly for Mrs. Virginia Fox, by Mr. Nordman, &c., &c.

The celebrated artist Ole Buhl, who was among the guests, surprised most delightfully the company by asking for his violin, upon which he executed a brilliant improvisation upon the melodies of the Russian national hymn and the Yankee Doodle, mingled in a series of interwoven variations. The performance elicited most enthusiastic applause on the part of the enraptured audience. Having finished playing, the artist addressed the audience in a facetious speech, wherein he charged the Americans with ingratitude for their having neglected to pay a visit to the Norwegians, that people having visited America long before Columbus.

It would take much time to relate all the details of this festival. We will only make this remark, that the mutual feelings of guests and hosts were of the most cordial character, and although many of them could not understand each other's language, their countenances testified to a perfect harmony.

About 4 p. m. the American gentlemen, after a call at Mr. Frenkel's, United States consul, went to the photographic establishment of Miss Shevitsh, where they were photographed in a common group with many gentlemen of our city.

In the evening a ball was given in the same hall of the Mineral Springs. Mr. Fox honored it with his presence. The dances were most animated. The guests seemed to enjoy very much the entertainment, and to admire our Finlandish beauties. During the cotillon a figure was organized in which the ladies took some nosegays out of a basket and presented them to their transatlantic dancers. The ball and the supper following it lasted until long after midnight.

In the morning of the next day—that is, August 5—at 7½ a. m., the two American vessels weighed anchor and sailed for Cronstadt, where, of course, a more brilliant reception than in our modest Finland is awaiting the visitors.

[From our correspondent.]

ST. PETERSBURG, *August* 17.

August 12.—In undertaking the pleasant task of describing our American visitors' excursions to our northern Palmyra and her environs I hope that my letters will be favorably received by the readers of the Cronstadt Herald, as I know that they take the most lively interest in everything relating to those who crossed the ocean to convey expressions of sympathy and friendship to the Russian people and testimonials of profound esteem to the person of the Emperor Alexander II. This sympathy and this esteem on the part of the great American republic appear at every step. In the solemn address of the United States envoy, and in the most intimate private conversation of the American seamen, one note invariably vibrates—that of sympathy and friendship towards the Russian people and of admiration for the man who liberated twenty millions of men from time-established bondage, and that without bloodshed and civil war, almost unavoidable in such cases.

If such are the feelings of our American friends, the Russian people, on its part, in the hospitality tendered to them, exhibits so warm and friendly a disposition that it fully answers to the mutual relations between the two great countries and to the high meaning of our visitors' present mission.

The day of the 12th of August was appointed for Mr. Fox's proposed visit to St. Petersburg, together with his secretaries, Captains A. Murray and Beaumont, and the officers of the American squadron. At ten o'clock of the morning, Mr. Fox, with Admiral S. S. Léssovsky, Messrs. Loubat and Green, Mr. Rykatsheff, aide-de-camp of the chief commander's staff, and other Russian officers who were appointed to accompany the American seamen in their visit to our northern capital, repaired to the steam-propelling yacht Onega, which was put at the disposal of the honorable envoy of the United States. Ten minutes later the yacht

left the pier and sailed into the eastern roadstead to the American monitor. Here the party on board the Onega was joined by Captains A. Murray and T. C. Beaumont and those of the American officers who were to go to Petersburg. At half-past ten the steam-propelling yacht steered straight upon the cathedral of St. Isaac. On the foremast of the Onega waved the glorious flag of the republic—white stars in a blue field.

Although the day was cloudy, and even some drops of rain were beginning to fall, we continually met on our passage with steamers having on board crowds of passengers and bands of musicians. All the meeting steamboats had American flags, and each of them greeted the Onega with the strains of "Hail Columbia," mingled with loud "ooras" and accompanied by frantic wavings of hats and handkerchiefs.

During the passage, by order of the president of the committee on reception, some English guide-books of Russia and Poland were presented to our transoceanic guests. The day before, all the officers of the American squadron had received copies of "A Manual of Russian Conversation," composed by Mr. Pauker, one of our navy officers.

About noon, the Onega stopped at the pier of the English quay, where innumerable crowds of people were standing in expectation. Loud "ooras" greeted the envoy of Congress as he stepped upon the shore of the Russian capital. The open carriage in which Mr. Fox was seated, having by his side Rear-Admiral S. S. Lessovsky, could hardly move in the midst of the popular masses, hurrying to meet him who was sent by the American people to greet the Russian Czar, and to convey to him their congratulations upon his preservation from the peril which had threatened his life. Our people felt that this was not a mere diplomatical courtesy, but a proof of true and real friendship on the part of the great American nation towards Russia, and a manifestation of the American people's profound esteem for the person of our Emperor.

The gentlemen, American and Russian, belonging to the party, followed the carriage of the envoy in other open carriages: Captain A. Murray, with M. S. Fedorovsky, aide-de-camp to his Majesty and commander of the screw frigate Alexander-Nevsky; Captain J. P. Beaumont, with Lieutenant-Captain Koltovsky; Mr. J. F. Loubat, Mr. Fox's secretary, and Mr. Pritchet, first officer of the Augusta, with Mr. Rykatsheff, aide-de-camp to the staff of the chief commander of the port of Cronstadt, and Lieutenant Koopfer; Mr. E. H. Green, with lieutenant Pavloff, &c. A long line of carriages followed each other.

On leaving the quay, the whole procession drove straight towards the cathedral of St. Isaac. Here Mr. Fox and suite were received by the chief architect Mr. Poufot, who guided them to all parts of the building. Our guests looked with admiration upon this splendid cathedral, whose magnificence fully answers to the dignity of the dominant church in the great orthodox empire. They admired the richness and the finish of every detail; they ascended to the cupola and were delighted with the sight from above; the truly majestic cupola, with its tasteful and gorgeous ornaments, seemed to impress the visitors with a very favorable opinion of our architectural art. A description of the cathedral, was, on the spot, presented to the envoy of the United States.

After visiting the cathedral the party went to a lunch at General Clay's, United States minister plenipotentiary.

The evening was spent in the River Yachting Club of St. Petersburg. The festival of the Yachting Club deserves, both by its design and execution, a particular description. Its excellent programme was faithfully executed, with one addition: Immediately upon the guest's arrival at the summer residence of the club, its commodore, V. G Poznansky, invited Mr. Fox to lay the foundation of a small boat, which the members of the Yachting Club proposed to build personally in their own dock-yard. Miss M. Van Buren, of New York, graciously consented to perform the ceremony of giving a name to the new-born vessel. She broke the neck of a wine-bottle upon the frame of the boat and proclaimed the little craft's name to be "G. V. Fox." There was no other deviation from the programme, and the festival went off most successfully in all respects.

At 7½ p. m. the rowing squadron of the River Yachting Club, under the commodore's flag, went to meet the members of the American deputation near the steamboat landing place of Kamennoy island. The distinguished guests passed into cutters, which were waiting for them at the pier; the boats of the club made a salute with their oars, and a military band began to play national American melodies. The cutters occupied by the distinguished guests, and the commodore taking the lead, the whole squadron floated down the middle Nevka, stopping from time to time to acknowledge the manifestations of the public standing at different points along the banks. The squadron passed under the bridges, Yelaginn-Kammennoatrovsky and Yelaginn-Krestovsky. When it was in sight of the club building, the American flag was hoisted to the club's flag-staff, and the yachts, displaying the American colors, fired a salute of twenty-one guns. The military band played, "Hail Columbia." When the honorable guests ascended the landing estrade of the club, the same national hymn was played by a band of ball-music, placed upon the shore. About 9 o'clock of the evening took place the ceremony of the tattoo, and the flags were lowered. At 10 o'clock began the ball. Dances followed each other as set forth in the programme. After the first quadrille, the members of the embassy were invited to tea, which was served upon a terrace specially constructed for that occasion; and, about the same time, the shore and the vessels lying in the river were illuminated.

During the first interval between the dances, a choir of singers performed (upon the landing estrade) a set of Russian national songs. Second division of dances. After the quadrille, a serenade on the water. Last division of dances—Mazoorka. A lunch in a pavilion erected for the distinguished guests. Military band of musicians and choir of Russian singers, performing alternately. The toasts proposed were for the health of the President and the welfare of the people of the United States of America—"Hail Columbia;" for the health of his Majesty the Emperor—"God save the Czar;" this last toast was proposed by honorable G. V. Fox. Upon a signal from Shpakovsky's apparatus, the neighboring scenery was illuminated. The departing guests were accompanied by the members of the club until beyond the next bridge, where the leave-taking ceremony took place, with display of national flags and by the sounds of American national hymns and songs. The surrounding scenery was illuminated with Bengal lights.

This beautful and completely successful festival was organized under the directions of Messrs. N. Wilkins, J. Mertz, and C. Shirmer.

At a banquet given to Mr. Fox and suite, at St. Petersburg, the following poem, written especially for this occasion by Oliver Wendell Holmes, of Boston, Mass., translated into Russian by Mr. Maikoff, of St. Petersburg, and read there and at the great banquet at Moscow, attended with great applause and cheers for the author:

POEM.

Though watery deserts hold apart
  The worlds of east and west,
Still beats the self-same human heart
  In each proud nation's breast.

Our floating turret tempts the main,
  And dares the howling blast,
To clasp more close the golden chain
  That long has bound them fast.

In vain the gales of ocean sweep,
  In vain the billows roar,
That chafe the wild and stormy steep
  Of storied Elsinore!

She comes! she comes! her banner dips
  In Neva's flashing tide,
With greeting on her cannon's lips,
  The storm-god's iron bride.

Peace garlands with the olive bough
  Her thunder-bearing tower,
And plants before her cleaving prow
  The sea-foam's milk-white flower.

No prairie heaped their garnered store
  To fill her sunless hold;
Nor rich Nevada's gleaming ore
  Its hidden caves enfold.

But lightly as the sea-bird swings
  She floats the depth above,
A breath of flame to lend her wings,
  Her freight a people's love.

When darkness hid the stormy skies
  In war's long winter night,
One ray still cheered our straining eyes,
  The far-off northern light.

And now the friendly rays return,
  From lights that glow afar,
Those clustered lamps of Heaven that burn
  Around the western star.

A nation's love in tears and smiles
  We bear across the sea,
Oh, Neva of the hundred isles,
  We moor our hearts in thee!

[From our correspondent.]

ST. PETERSBURG, *August* 16.

On Monday, August 13, Messrs. Fox, Murray, Beaumont, and the attending officers, visited Czarskoyé-Selo.

At 10 a. m., after an early breakfast, the party repaired to the railroad depot of Czarskoyé-Selo, where the directors of the railway company came to receive us and to put at our service a special train. We started at 10½, and arrived ten minutes before 11, having, in twenty minutes, left behind us the cemetery of Volkov, the invalids' hospital of Tshesme, and the village of Poolkovo. The superintendent of the imperial estate of Czarskoyé-Selo, Aide-de-camp General G. T. Gogol, came himself to receive the guests in the imperial rooms of the railroad station. There was also (H. I. M. S.) Rear-Admiral A. S. Gorkovenko, who offered himself to be the cicerone of our party. We went in open carriages and lines [see note, p. 437] to the imperial palace, where Madam M. V. Gogol, with her three daughters and son, and Madam Mookhortoff, with her sister and husband, joined our party. The palace was visited in every detail. When standing upon the Grecian terrace, which commands a view upon the splendid lake, we enjoyed a sight truly imposing: this being the day of the consecration of water,* we had the good chance of witnessing the ceremony. The religious procession and the solemn chanting of our rite produced upon the foreigners a deep impression. As the procession was moving past them, they respectfully took off their hats, and, in a whisper, asked for explanations of the meaning of images, banners, and of the other symbols of the procession. Most of the ladies in the party spoke English well, and readily explained to the visitors the meaning of what was going on before their eyes.

After this the party enjoyed a drive in the park; the weather was most favorable; the carriages moved smoothly and rapidly along the beautiful drives; everybody seemed to be in high spirits, and the most friendly and animated conversation was going on in every group.

The first halting place was the admiralty and the boat-building yard. Here we found a numerous public, attracted by the desire of seeing the envoy of the United States and the officers of the United States navy. The collection of rowing-boats of every description was highly praised by the American seamen. They said that they had nowhere seen a collection so rich and so well distributed, which, coming from such competent judges, is certainly a high compliment. The dock-yards of the miniature admiralty were also visited in every particular. Then we entered a pavilion, where Mr. Svertshkoff, the celebrated hyppic painter, has established his temporary atelier. We were admitted to look upon the new work of the artist: "A review of troops on the Devitshy field of Moscow, by the Czar Alexis Michaelovitsh." The artist exhibited also two or three of his inimitable troykas, (three abreast,) which seemed to invite the American gentlemen to visit Russia in the sleighing season.

On leaving Mr. Svertshkoff's atelier, the party visited the farm, where a milk collation was offered to us. After this a visit to the arsenal of curious and costly arms—a collection unique of its kind. We went through all the rooms, surveying carefully everything; but one visit could never be sufficient for a due appreciation of all the riches of this museum. It is reported to have cost nineteen millions of silver roubles.

Towards 5 o'clock of the afternoon the party went to dinner at General Gogol's. The dinner-table was spread in the orange-house adjoining the general's dwelling. During the repast many speeches were pronounced, but none of an official or political character. The tone prevailing at this reception was rather that of a family reunion. The toasts for the health of Mrs. Fox and of Mrs. Murray, were received by the guests with marks of deep emotion. The English speeches were, as soon as pronounced, translated into the Russian tongue by Rear-Admirals S. S. Léssovsky and A. S. Gorkovenko. The speeches of Messrs. A. Murray and J. C. Beaumont, in answer to the toasts to their ladies, were translated by their nearest neighbor at the table, Miss E. G. Gogol, daughter of the master of the house; and the young lady carried it off with so much ease and such an elegance of diction and gesture, that the audience could not refrain from testifying its delight by enthusiastic applause.

The after-dinner coffee and tea were served in the garden, that the gentlemen might enjoy their cigars without being deprived of the ladies' presence. Here the lady of the house showed to her guests a family relic, the view of which produced a deep impression upon the Americans, who know so well how to appreciate the happiness of family life and to love dearly their domestic hearth—those corner-stones of every true civilization and of every healthy social building. The relic to which Mary Vassilievna (Madam Gogol) conducted the visitors was a young tree grown up from a branch of myrtle taken out of her own wedding nosegay. At this simple memento the eyes of many of the guests were moistened, as their thoughts reverted to the dear beings whom they had left far behind on the other side of the ocean.

At eight o'clock of the evening a special train conveyed all the company to the Vauxhall

*A religious ceremony prescribed by the Greek church twice a year.—*Translator's note.*

of Pavlovsky, where a festival was organized in honor of our transatlantic friends. The garden of the Vauxhall was unusually crowded on that night; the number of persons present was estimated to have reached 12,000. It was almost impossible to move in the circle before the pavilion; nevertheless, the members of the American embassy went through the crowd—round the whole circle, to gratify the desire of the public to see them, and to have a view of the magnificent illumination. The building of the Vauxhall was drowned in a sea of gas-light. Opposite to it an arch was erected, radiant with transparents, devised and painted by Mr. Charlemagne, of the Imperial Academy of Arts. Close to the arch a fountain was playing under alternating rays of variously colored lanterns When Mr. Fox, who walked arm-in-arm with S. S. Léssovsky, came near to the orchestra the strains of the American national hymn resounded, and all the audience stood up as a man, all taking off their hats. There was something really imposing in this manifestation of the most refined and elegant public of the Russian capital.* At the end of the hymn a thunder of applause and "ooras" ensued. On demand of the audience the hymn was repeated, and again with the most enthusiastic applause. Then a new gallop was performed, "The Miantonomoh," composed for that occasion by the talented chief of the orchestra, Mr. Furstenau, who had the honor to present publicly to the States envoy a copy of his work.

After the concert the American guests were invited into the hall to a supper, served in a splendid style. When the goblets were filled with champagne the outstanding public called upon Mr. Fox for a speech. He readily went to the open window, goblet in hand, and addressed to the public a few beautiful words, expressive of the sympathy between America and Russia, concluding by a toast for the health of his Majesty the Emperor. Messrs. Murray and Beaumont also were requested to come to the window, and complied with the public wish. The general delight and enthusiasm were unbounded. The whole scene was something completely new in our country.

At 12 of the night our party entered the cars of the train for Petersburg. The windows of the car in which Mr. Fox was seated were besieged from the outside by a number of ladies, who asked to shake hands with him and to obtain a flower of the bouquet which was offered to him after the supper. At last the signal whistle put an end to the leave-taking, and the train started, followed by loud "ooras" from the galleries of the Vauxhall.

DESCRIPTION OF THE BANQUUT OFFERED TO THE CREWS OF THE AMERICAN SQUADRON.

AUGUST 22.

On Tuesday, August 14, a banquet was given by the port of Cronstadt to the crews of the American vessels, the Miantonomoh and the Augusta.

A canvas shed was erected for that occasion in one of the principal promenades of our public garden, near to the place occupied by a pavilion shaped like the stern of a vessel. The shed, supported upon light pillars and trees bordering the promenade, was tastefully decorated with verdure and flags. At the foremost end of the tent waved the national flags, American and Russian, their staffs crossing one another; the opposite end of the tent, coming close to the stern-shaped pavilion, was ornamented with a large shield, bearing the arms of the United States of America with the well-known motto, *E pluribus unum*. Tables and benches extended throughout the entire length of the tent, which was 125 feet. The general effect of this improvised portico was very picturesque. At noon, which was the appointed time for the dinner, a hundred and eighty American seamen marched to the sounds of "Hail Columbia" into the tent and sat down to table. Thirty of the Russian sailors, who visited America with our squadrons in 1863, placed themselves between their American friends at various points, so calculated as to enable them to look to the comfort of each guest. The fare consisted of soup, ham, vegetables, roast beef and plum pudding, and a sufficient quantity of beer and hydromel. Two bands of musicians were alternately playing during the repast, which lasted until nearly five o'clock in the afternoon. When coffee and cigars were presented, one of our sailors made a speech in English. As much as we can remember, his words were nearly these: "Our friends: During our stay in American regions you treated us as true friends; I do not know whether we shall be able sufficiently to requite you; but in any case, take this simple repast as a mark of our most sincere and everlasting friendship." To this one of the American sailors answered by assurances of sympathy and friendship, and, in conclusion, said: "Now, friends, let us drink to the health of your adored father the Czar, who, nearly at the same time when the negroes were freed in our country, gave liberty to Russian bondmen—the peasants." A loud "oora" resounded through all the promenades of the garden, filled to the utmost by crowds of people.

On leaving the table our friends scattered through the park to enjoy a promenade, enlivened by groups of singers of the garrison of Cronstadt, and favored by unusually fine weather. Until late in the night "ooras" and cheers resounded in all corners of the public garden. This day was a true feast, and will be long remembered by the inhabitants of Cronstadt.

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* Pavlovsky, distant only half an hour by railway, is the favorite summer promenade of the wealthiest inhabitants of Petersburg.—*Translator's note.*

[From our correspondent.]

ST. PETERSBURG, *August* 24.

August 22.—To-morrow we are to leave for Moscow, together with Mr. Fox and other gentlemen of the American expedition. Our party will consist of twenty Americans and twelve Russians. Having no time to give you a detailed account of our movements during the last week, I will communicate to you but a summary programme of what took place those days. Thursday, August 16, Messrs. Fox, Murray, and Beaumont were invited to Krassnoé-Selo, to assist at the last manœuvres of troops of the imperial guard. The remaining officers of the American squadron surveyed the city, and in the evening took a drive upon our beautiful islands. Friday, in the morning, Mr. Fox, in company with other gentlemen of the expedition and Russian attending officers, visited the new admiralty, the marine penitentiary, and the dock yard of the island Galernoy; after breakfast, visits to the museum of the mining institution and to the cathedral of Sts. Peter and Paul, in the fortress. We dined in the Assembly of the Nobility, whose summer residence is located in the villa of Countess Strogonoff. This dinner was organized in honor of the American guests, and proved one of the most brilliant festivals offered to them. In the morning of the same day a deputation from the city of St. Petersburg called upon Mr. Fox and presented to him the title of honorary citizen of the capital. Saturday, August 18, Mr. Fox and the American officers were present on board their vessels to receive the visits of the diplomatic corps.

Sunday, 19th, Messrs. Fox, Loubat, Green, Murray, and Beaumont had the honor to present themselves to her Majesty the Empress. This presentation took place at Peterhof, in the great palace. Monday, 20th, in the morning, Messrs. Fox, Murray, Beaumont, and some of the American navy officers, were invited by his Majesty the Emperor to witness a military parade at Krassnoé-Selo. A deputation of the city of Moscow called on Mr. Fox, to invite him and the gentlemen of the expedition to visit the old capital of the empire. Dinner at Mr. Winans's; the evening at Mr. Gromov's, in his splendid summer residence, where a brilliant reception was prepared for our American friends. Yesterday, 21st, these gentlemen were invited to accompany his imperial Majesty in his visit to the forts and roadsteads of Cronstadt. To-day, dinner at court, in Peterhof.

To-morrow the whole party leaves for Moscow, there to enjoy the hospitality which is offered by this city to our American guests. From Moscow we intend to visit Nishny-Novgorod, and perhaps Kostroma, the native city of our reigning dynasty, and the birth-place of Soossanin,* and J. T. Komissaroff-Kostromskoy.

[Correspondence of the Cronstadt Herald.]

ST. PETERSBURG.

Even in our days, when sea-faring expeditions are completely divested of the appalling uncertainties with which it was the lot of Columbus and Vasco de Gama to contend; even in our days, when many enigmas which puzzled the navigators of former times are perfectly explained, and many terrors dispelled; even now, such a fact as a passage across the ocean, on board a monitor, deserves, in all justice, to fill an honorable page in the annals of cotemporary navigation. This exploit was achieved with the monitor Miantonomoh, by the skilful and intrepid American seamen who are our present guests. Whatever might have been said by the detractors of the monitors now falls to the ground. The strongest skepticism cannot resist so powerful an argument as the Miantonomoh's presence at Cronstadt. There she lies, unharmed and strong, the admired guest of our roadstead! The Miantonomoh's appearance in our waters achieved another victory, for which our seamen cannot but be grateful; it vanquished the inveterate indifference of the Russian public for the interests of navigation. Indeed, the number of visitors from Petersburg to the monitor is increasing with every day. Two steamers, plying daily between Petersburg and Cronstadt, are hardly sufficient for the crowds of passengers hurrying to see the transatlantic wonder, the last work of the art of ship-building.

MR. FOX'S DEPARTURE FOR MOSCOW.

August 26.—On the 23d day of August, Mr. Fox, with part of his suite, and in company with Admirals Léssovsky and Gorkovenko, left for Moscow, where a cordial and brilliant reception is preparing. There Mr. Fox will remain five days; of this number, one day for the proposed visit to the "Lavra" (first-class monastery) of the Trinity, and St. Sergius (Troitzko-Sergievskaya.) From Moscow, Mr. Fox proposes to visit, for two days, the fair of Nishny-Novgorod, thence the historical monastery of Ipatius, in Kostroma, and, taking the steamboat up the Volga to Tver, to return from this last city to Petersburg.—[The *Golos.*†

August 29.—Yesterday, a dinner was given to those of the American sailors who were prevented, by their service on board, from participating in the first banquet. The affair went off exactly after the same style as that of the former occasion, with one additional particular,

* Who saved the life of the first Czar of the House of Romanoff.—*Translator's note.*

† The Voice, a St. Petersburg daily paper, at present the most widely circulated paper in Russia.—*Translator's note.*

which we hasten to notice. A group formed of American seamen, in the centre of which were placed the American consul and the mayor of Cronstadt, was photographed; and we hear that the picture is an admirable success.

[From our correspondent.]

Moscow, *August* 24.

Thursday, 23d, at 2½ p. m., the American embassy and its satellites repaired to the depot of the Nicholayevsky railroad, at St. Petersburg, where the delegates of the city of Moscow, Messrs. Kokoreff and Bibikoff, joined the party. Two splendidly decorated wagons (cars.) bearing both of Russian and American flags, were added to the train, and we took possession thereof, to be most comfortably, and without the slightest fatigue, transported to the old capital. On our way, between Petersburg and the station of Luban, at every small station where the train had to stop, crowds of villagers went forth to greet the envoy of the American people. At Luban, we partook of a splendid repast, prepared by the care of the delegates of Moscow. It was really a pity that we were summoned by the signal bell, in the very moment when the spirit of conviviality had alighted upon us, and some friendly speeches were just broached. After re-entering the cars, our party resumed the thread of conversation, and we enjoyed the travel capitally. We had in our company two literary gentlemen, the correspondents of the New York Herald and Tribune. These gentlemen took out, from time to time, their pocket-books, and by means of a few stenographic signs marked down whole sentences, which will, most probably, travel across the ocean and tell to the people of the New World how Russia receives the representatives of her distant, but dear friends.

When approaching the station of Tshoodovo we saw large crowds of people gathered all around the depot. In the foremost ranks stood the members of a deputation sent forth by all classes of the rural and municipal population of the province of Novgorod—nobles, merchants, burghers, and peasants. At the head of the deputation were the civil governor of the province, Mr. Lerche, and the president of the provincial assembly, Mr. Katshaloff. They advanced towards the car occupied by Mr. Fox, and, presenting to him the customary bread and salt,* complimented him in most warm and cordial terms. Mr. Katshaloff, after explaining in a few words the meaning of the new institution of provincial states, concluded by expressions of sympathy with the people of the United States on the part of the province of Novgorod. An old peasant, of venerable appearance, with a long, snow-white beard, stepped forward and, addressing Admiral Léssovsky, said: "Tell them, father,† that we will ever pray to God for them, because they feel so deeply for us and our Czar." Our American friends were profoundly touched by this ingenuous tribute of sympathy.

After the speeches came champagne; and a toast being offered to Mr. Fox, the envoy of the United States answered by a toast—"To the ancient Great Novgorod, the oldest of cities of the Russian land."‡ The deputies of Novgorod presented to Mr. Fox an address, signed by the governor, actual state counsellor Lerche, the president of the provincial assembly, Katshaloff, the members of the provincial doprava, (board of administration,) and the callifs of rural communes (Selsky Starshina.) The address is worded as follows:

"To the representative of the American people, Mr. Fox: The undersigned, representatives of all the states (classes) of the province of Novgorod, profiting by the occasion of your passage, consider it to be their sacred duty to express, through your ministry, most profound gratitude for those feelings, to testify which you have crossed the ocean. Fellow-feeling in the preservation of the precious life of our Czar-liberator touches us to our soul's depth, and is the strongest proof of the American people's friendly feeling towards the Russian. These feelings towards Russia were already expressed before, in the cordial reception in America of our fleet; for this also Russia is profoundly grateful. In this coming near of two great nations the undersigned see innumerable mutual advantages." [Follow signatures.] "August ¹¹⁄₂₃, 1866, Parish of Tshoodovo, Province of Novgorod."

Mr Fox invited Messrs. Lerche and Katshaloff, and some other gentlemen of the deputation, to accompany our party to the following station. As the train was starting all the Americans went out upon the platform and responded by a unanimous "oora" to the greetings of the assembled people. On the banks of the Volkhoo the gentlemen of the Novgorodian deputation left the car. The gentlemen of the American mission accompanied them to the platform. Here again glasses were filled with champagne, and Mr. Kokoreff, the deputy of Moscow, expressed his thanks to the deputation of the eldest sister of Moscow, the Great Novgorod, for their manifestation in honor of those whom he considered as the guests of Moscow. At Tver, where we arrived at five a. m., notwithstanding the early hour, a deputation came forth to greet the envoy of the American people.

At 10.30 a. m., August 24, we were welcomed to Moscow by the mayor of the city, Prince Stsherbatoff, who accompanied our party from the railroad depot to Mr. Kokoreff's hotel, situated opposite to the Kremlin.

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* Emblems of hospitality with the Russian people, as well as with other nations of Slavonian origin.—*Translator's note.*

† The usual terms of address with the Russian people are, father, mother, brother or little brother, sister, uncle, and aunt—like the "uncle" of the American colored people.—*Translator's note.*

‡ Textual terms, by which the city of Novgorod was designated in the days of her republican splendor.—*Translator's note.*

[From our correspondent.]

MOSCOW, *August* 31.

August 27.—I concluded my last letter with our arrival at Moscow. Our arrival and our entrance into the city were like a triumphal procession. At the depot and on the way to Kokoreff's hotel, the people came forth by thousands to meet the American mission, and greeted it with "ooras," and hats flying in the air, and countenances lighted up by exultation. These masses of people, animated by the same feeling of sympathy and friendship, presented a sight truly affecting. It is clear that our people understand and appreciate the meaning of the American mission. Such ovations as these, with which it meets everywhere in Russia, cannot be prepared; manifestations of this kind are possible only when the masses are really inspired with one common thought and moved with one common feeling. As I mentioned in my former correspondence, Mr. Fox was received at the depot by the mayor of the city, Prince A. A. Stsherbatoff, and the members of the dooma, (city council.) A band of musicians, placed in the gallery of the depot, played the American national hymns. Open carriages, with elegantly harnessed teams, stood ready for our party. The coachmen wore upon their hats cockades of American colors. The officers of the reception ceremony had also American colors in the button-holes of their dress coats. Mr. Kokoreff's hotel was likewise decorated with a profusion of American flags; we found there comfortable and even luxurious lodgings. Our American friends seemed highly pleased with all their experiences of the day. They understood, in their turn, that they were in the very heart of Russia, and that this heart's beating was most friendly to them.

The gentlemen of the mission, accompanied by Prince Stsherbatoff, proceeded upon official calls. The first was, of course, at the military general governor's, Aide-de-camp General Prince V. A. Dolgorooky. Then the party visited the palace of the Kremlin,* its churches, the granovity chamber, and the court of patriarchs. On their return to the hotel, each of the American gentlemen found in his room the card of Prince V. A. Dolgorooky, who, as becomes a true aristocrat and a man of the world, returned their visits by calling on the same morning, and in person, at the hotel, and sent his card to their respective rooms. At 7 p. m. we went to dinner at the general governor's. At the entrance door of the gubernatorial palace we were met by the sounds of "Hail Columbia" from a band upon the perron. Hundreds of powdered servants, emblazoned in red liveries, silk stockings, and glazed shoes, stood in state upon the steps of the staircase and along the walls of the richly decorated anterooms. The dinner tables were laid out in a style fully answering to the idea of princely magnificence. The band of Sax poured from the choirs its enchanting strains. The halls were resplendent with mirrors and myriads of lights. Brilliant uniforms and black dress coats filled the gorgeous reception rooms. At 7½ o'clock the company sat down to table. I will not repeat the speeches, which are already reported in full in the pages of the Moscow News, and will only say that the allocution of Prince Dolgorooky, glowing with feeling, was received with particular satisfaction. Admiral Léssovsky, Mr. Curtin, secretary of the American legation, and Lieutenant Leman, acted as dragomen. After dinner, yellow tea and coffee were served. I heard from competent judges that such coffee was tasted by them only at the Pacha's of Damascus. The place adjoining the gubernatorial palace was covered with people. After dinner Mr. Fox was conducted by Prince Dolgorooky to the balcony. Their appearance was greeted with enthusiastic "ooras." One of the American gentlemen dropped by chance his handkerchief, which fell down from the balcony; it was in a moment torn to pieces, every one striving to get a piece of it as a memorial of the mission's visit to Moscow. The remaining part of the day was spent in the zoological gardens. The governor general himself accompanied Mr. Fox in this evening promenade. The weather was delightful, and the display of fireworks went off most successfully. Our party returned home after midnight.

This was the way in which our old hospitable city of Moscow received the envoy of the States and the American naval officers. Moscow's reception can, in all justice, be put by the side of the receptions tendered to Admiral Léssovsky and his squadron in New York and Boston.

On the following day the guests of Moscow surveyed the many remarkable sights of the city. We borrow from the Moscow News an account of this excursion:

"At eleven o'clock in the morning the deputies of the city of Moscow called at Kokoreff's hotel to invite the Americans for a new excursion in the city, and a further study of the ancient capital's remarkable monuments. A part of the proposed excursion having to be accomplished out of town, the equipages were dressed in country style, the carriages being all open and the teams some three and some four abreast; the harness adorned with shining brass-plates and hawk's bells. The Americans seemed to like very much this style of harnessing, which was to them a complete novelty. The first halt was effected on the Lobny square. Here the party alighted and went on foot to look upon our "gostinoy dvor," (guests' yard.)* They walked along the Noshovaya (cutlery) line, and turning to the right at the shoe store of Yegeroff went into the inner yard; thence, by the passage-row, to the street Illyinka and back, along the silver-ware row, to the street Nikolsky, near the church of the Holy Virgin of Kazan, where they re-entered the carriages and drove through the gate of Tver to the agricultural academy of Petrovsky Razoomovsky.

* Kremlin (Kreml) is a name common to all central parts, generally surrounded by walls, of Russian cities of ancient origin.—*Translator's note.*

"At noon the train reached the academy. Here the visitors were received by the directort N. T. Sheleznoff, all the professors, and a number of students. They visited the classes, the church the laboratory, the farm, and finally went out into the vast and beautiful gardens, where, in a pavilion decorated with flags of both nations, a lunch stood ready. Having refreshed themselves, the gentlemen of the excursion party went through the park of Petrovsky, and past the palace, to Khodinsky field; there, along the front line of the camp, by order of Aide-de-camp General Hildenstubbe, chief commander of the military district of Moscow, the troops stood, without arms, in broken ranks. The general himself joined in a few minutes, and called forward the singers, who began at once to sing, in a chorus, the Russian soldiers' songs. The Americans seemed to be highly pleased with the attentions of our military authorities, and. after listening for some time to the singing of our soldiers, re-entered the carriages and went along the front line to the end of the camp, where the students of the military academy of Alexander are encamped. After an exchange of compliments with the young officers and cadets of the academy, the American gentlemen returned to town by the Presninsky city gate. On their way home the gentlemen of the party entered into the Devitshy (Virgin's) nunnery. The prioress herself came forth to receive the representatives of a country where the idea of union with the Greek orthodox church has met with so much sympathy. The visitors assisted at the evening service in the convent's church, and after a visit of thanks to the amiable prioress, continued their excursion.

"When the train reached the hotel it was greeted by loud cheers from crowds of people, who had gathered round the hotel waiting for the return of the Americans. During the excursion the train was everywhere cheered by popular masses pouring forth into the streets on the passage of our American friends."

[From our correspondent.]

NISHNY-NOVGOROD, *September* 7.

August 31.—I will begin my present correspondence by resuming the thread of my narrative of our last day's sojourn at Moscow.

On Monday, August 27, the States envoy assisted at the morning service, which was celebrated by the Vicar of Moscow, his Eminency the Archbishop Leonidas, in the Oospensky cathedral church of the Kremlin. The remaining part of the morning was spent in visits to the House of Foundlings, the chambers of the Boyars Romanoff, the church of Basylus, the Sanctimonius, (vassily blashenny) and the zoological gardens.

The vast establishments of the House of Foundlings, together with the orphan institution of Nicholas, impressed the Americans most favorably. In fact this truly charitable institution, existing in our country for more than a century, and the first of its kind in Europe, could not fail to win the sympathy of citizens of the United States, a country where philanthropy and charity are considered the first of public virtues.

In the zoological gardens, to which we were introduced by members of the Society of Acclimatization, Mr. Fox and Mr. Clay, complying with the request of these gentlemen, planted each a young tree in memory of their visit to the gardens.

The dinner on that day was a private, I would say, a family one, and was enjoyed in the beautiful reading-room of Kokoreff's hotel. The repast went off most gaily. Many good things were said, but nothing of a political or official character. Prince Stsherbatoff, the city mayor, presided, and the members of the city council assisted him in his duties of Amphytrion. Guests and hosts were in high spirits, and many merry peals of laughter, mingled with applause, and American cheers and tigers, followed the friendly speeches and the jokes, which sparkled like champagne.

At six p. m. the company broke up, as it was time to prepare for the proposed promenade in Sokolniki. The weather was delightful, and the road to Sokolniki presented that evening a most animated picture; thousands of carriages and innumerable crowds of pedestrians were slowly moving towards the favorite popular promenade. When the train reached the wood there was more room, as the people on foot scattered on both sides of the road, and we drove with a greater speed along the ranges of beautiful villas, the summer residences of wealthy Moscovites. We finished our drive at the garden of Mr. Brown, in which a festival was organized in honor of the American seamen. After looking for some time upon the performances of the gymnasts, and listening to the music—which, of course, began with the American hymn—the members of the mission went on foot, amid thick crowds of people, to the pavilion of the rotunda, where tea was prepared. All the way to the rotunda was profusely illuminated with colored lamps. The enthusiasm of the popular masses beggars every description. In this part of the wood about 40,000 men were present, and this immense mass gathered round the pavilion occupied by the Americans, and there was no end to loud "ooras" and general jubilation. At the entrance of the pavilion Mr. Fox and Mr. Clay were received by Prince Dolgorooky and suite. After tea the whole party went by the same road back to Brown's garden to hear more music and to witness the splendid fireworks. Towards midnight the festival was concluded by the American popular hymn.

*In most Russian commercial cities there are special buildings called "gostinoy dvor," consisting in rows of store-rooms, forming, generally, a rectangular yard.—*Translator's note.*

On the following day, which was Tuesday, August 28th, both envoys, the members of the mission, and the accompanying Russian officers went in a special train by railway to the Troitzko-Sergievsky monastery; there they took the carriages which were prepared for them, and drove to the hermitage of Bethsemane, the summer residence of his High Eminency Philaretes, the Metropolitan of Moscow. They piously entered into the narrow and simply furnished cell, occupied by the venerable old man who graces the metropolitan chair of Moscow. The manner in which the archpastor welcomed the distinguished visitors was exceedingly cordial and even affectionate. He spoke to the American envoys in a tone full of sincere and profound sympathy, and many good words were said. Among others we remember the following: "I know that yours is a religious country, notwithstanding the complete liberty of creed. It is to be wished that all Christian nations should mutually entertain such friendly feelings towards each other as now exist between America and Russia."

Notwithstanding his very old age, the metropolitan was pleased to accompany the visitors to the small and simple church of the hermitage, and to explain to them the meaning of images and different ornaments in carved wood, with no gilding or bronze about them. After visiting further the catacombs of the hermitage the party returned to the borough of the Troitzko-Sergievsky Lavra. When leaving the hermitage we observed with great satisfaction that the Americans conceived a high esteem for the celebrated Patriarch who had so graciously received them. After a lunch in the hotel of the borough the party visited, in detail, the monastery and its historical relics. We surveyed the churches, the chapels, the vestries, the refectories, and the religious academy, with its library, and everywhere our American guests met with the most friendly reception, which fully proves that sympathy to their country, penetrating through the time-honored walls of our principal monastery, conquered the hearts of monks, as it has conquered the hearts of all our people. At the entrance of the monastery the envoys were received by the prior, his Eminency the Archimandrite Anthony, and the rector of the religious academy, first priest Gorsky. When our party was taking leave of the prior he blessed all the Russians of the party with miniature images of St. Sergius of Radonesh. At 3½ p. m. a special train took us back to Moscow.

On that day, like the day before, the dinner was not official, and was distinguished by the same absence of etiquette and the same lively tone of conversation. Our guests felt themselves quite at home in Moscow, and many times expressed their gratitude to the representatives of the hospitable ancient capital.

The night was spent at the great theatre. The bill of play was composed of one act of the ballet, the Peri; one act of Glinka's opera, the Life for the Czar; and one act of the ballet, the Pharaoh's Daughter. The two envoys and Rear-Admiral Léssovsky were invited to the general governor's box. The other members of the mission and the Russian officers occupied the director's box and five boxes of the first rank on the left side. The house was full, and the magnificent *mise en scène* of our ballet, together with the brilliant appearance of the hall, could not fail to be admired by our American friends. On the following day our party left Moscow for Nishny-Novgorod. The governor general, the mayor of the city, and the delegates of the city council accompanied the American mission to the railroad depot. We entered, to the sounds of music, into the cars, which were decorated with American flags Friendly greetings and farewells were exchanged on both sides, and the beloved guests of Moscow left the hospitable walls of the ancient capital.

The day before, immediately after we came back from our excursion to Troitzko-Sergievsky, a deputation, composed of members of the fair committee of Nishny-Novgorod—merchants A. M. Goobin, A. G. Korniloff, and V. V. Khotoff—called upon Mr. Fox, offering to him and his attendants the hospitality of the city, and putting themselves at his command for the time of his sojourn at Nishny-Novgorod. This offer was graciously accepted, and the American mission was now on its way to the celebrated market, where the products of Europe and Asia meet every summer in an immense fair. We had our dinner at the railroad station of Vladimir—a splendid repast offered by the city. At Kovrov, Mr. Gladitzin, the mayor, came to the station to compliment the American envoy on the part of that old Russian city. Toward midnight our train reached the railroad depot of Nishny. The building of the depot was filled with people, who came to meet the expected guests; the band of the horse-guards was playing, and the whole scene bore a radiant, festive aspect. The president of the fair committee, Actual State Counsellor A. P. Shiphoff advanced to the car to meet Mr. Fox. The travellers were conducted by the members of the fair committee to the carriages, standing ready, on the other side of the building, and left the depot amid loud "ooras" from the assembled people. The party was most comfortably located in the house of Mr. Shooravleff, on the bank of Okha river, above the bridge. When our train was passing upon the bridge we enjoyed a beautiful sight. The wide river, covered with thousands of vessels; the high banks, shining with thousands of lights, and the lofty mountain, with Minin's tower at the summit, lighted with bengal fire—all this presented a truly enchanting picture.

On the day following our arrival Mr. Fox, Captains Murray and Beaumont, Rear-Admirals Léssovsky and Gorkovenko, and Aide-de-camp to the Emperor Lieutenant Fedorovsky had the honor to present themselves before their Imperial Highnesses the Crown Prince Cæsarevitsh Alexander Alexandrovitsh and the Grand Duke Vladimir Alexandrovitsh.

After the audience at the grand duke's, the members of the mission made calls at the governor's, Lieutenant General Odintzoff, and the temporary (for the duration of the fair) general governor's, Aide-de-camp General Ogareff. Then followed a surveying excursion through the fair. The party visited the fur store of Sorokoomovsky, the shoe store of Koroloff, the silver-ware store of Korniloff, the immense stores of iron of Petookhoff, merchant of Yaroslav, and many other storehouses of the iron row. After a lunch in the hotel of Nikita Egoroff, a lunch where the sterlet, that gastronomical king of fishes, played the principal part, we surveyed the tea stores, and the Chinese bazaar.

In the evening our party was invited to a grand dinner given in the great hall of the fair house.

[From our correspondent.]

ON BOARD THE DESPATCH, UPON VOLGA RIVER,
September 9.

September 4.—Our steamer is ascending the Volga at great speed, and we are already in view of Kalazin. It is really a pleasant, a very pleasant, affair to travel in the suite of an embassy which enjoys such an immense popularity, and meets everywhere with the most friendly reception and receives that broad hospitality for which our country is so justly renowned. The Russian sky itself, as if it were desirous to contribute to the hospitality tendered by Russia to her American guests, presents us, for nearly a month, with days so fine that Italy herself could not boast of any finer. Our way is strewn with flowers and lighted with smiles. But let us resume the thread of our narrative. In our last correspondence we mentioned that a dinner was given in honor of the American mission at the fair house The bill of fare was eminently Russian—pies, with fish and viasiga, (dried spinal nerves of sevruga fish;) sterletts; porklings stuffed with buckwheat gruel, and the celebrated kasha of Goorieff*—these were the groundwork of the repast. I will not here report the many speeches pronounced on that occasion, as they are already published by the Moscow News. In Nishny-Novgorod, this Russian centre of European and Asiatic commerce, where all the nationalities composing the population of our vast country appear mingled together, the Americans had opportunity to see how general is the attachment of the Russian subjects to their monarch, and how profound and sincere the gratitude of our people toward the American, for the part taken by it in our public joy. Those feelings had their particular eloquence here, on the borders of Europe and Asia. They seemed to say that all Russia lives with the same heart, and that this common life imparts to her the immense strength of which our friends have good reason to stand in awe.

After dinner, when the tables were removed, choirs of gypsies and of Russian singers were introduced into the hall; and they gave an entertainment in a truly Russian style. The singing and the dances of the gypses seemed very much to please our American friends, and they never tired of listening to these somewhat wild, but exceedingly original melodies, which have about them a peculiar charm. At midnight the party broke up, and some of the guests, on their way to the hotel, directed their carriages to drive through Koonavino, that popular nightly resort of the broadest revelling, characteristic of the mixed temporary population which gathers from all corners of Russia to Nishny-Novgorod for its celebrated fairs.

The morning of Friday, August 31, was spent partly in visits to the historical monuments of the city, and partly in shopping for different trifles, to be taken with us in remembrance of our sojourn in Nishny-Novgorod. This afforded us opportunities to make a nearer acquaintance with the peculiarities of this interesting fair. We dined at Soboleff's hotel, this dinner being exactly of the same description as our family parties in Kokoreff's hotel, at Moscow. This evening we had a farewell drive through the streets of Nishny, amid crowds of people, giving marks of most enthusiastic feelings towards our transatlantic friends.

On Saturday morning, after a visit to the engine manufactory of merchant T. S. Koltshin, our party, together with a number of citizens of Nishny who wished to take leave of us before our final departure, were invited on board the steamer Saropooletz, belonging to Mr. Koltshin; and while that gentleman's home-constructed yacht was conveying us to the steamship The Despatch, the hospitality of Nishny-Novgorod accompanied us to the last in the form of a gorgeous lunch, served on board the Saropooletz. A band of music and a choir of gypsies enlivened this our last repast amid our hospitable friends of Nishny-Novgorod. At last the Saropooletz reached the Despatch, at a distance of twenty verstes (about fourteen miles) from the city; and after most friendly farewells, the departing gentlemen passed on board the steamship of the company, Samolot, leaving their remaining friends on the Saropooletz. The Despatch and the Saropooletz displayed the American colors, and separated amid loud cheers and waving of hats, to take opposite directions.

Our travel up the Volga went off most pleasantly, and we arrived on the following day, in the morning, at Kostroma, one of the principal aims of the American mission' strip.

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* A kind of gruel, prepared of fine wheat-grits with sugar and preserves, invented by a late Russian minister of finance.—*Translator's note.*

[From our correspondent.]

SOJOURN OF THE AMERICAN MISSION AT KOSTROMA.

SEPTEMBER 14.

From the very day of our departure from Petersburg, during all the time of our excursion, the desire to arrive at Kostroma, the birthplace of Soosanin and Komissaroff-Kostromskay, and the cradle of our prosperously reigning House of Romanoff, had constantly occupied the minds of the Americans. The object of their most eager curiosity was at last reached, at 11 o'clock a. m., on the second day of September. The weather was beautiful. The Despatch, at full speed, cutting the clear stream of our queen of rivers, our mother Volga,* was rapidly advancing towards the long wished for city. We could see, when yet at a considerable distance, from behind a steep hill standing at a bend of the left bank, called the meadow bank, the cupolas of the Oospensky cathedral and other churches of Kostroma. The appearance of the city from the river side is highly picturesque, and elicited from our American friends expressions of the highest delight. As a general rule, our cities along the Volga river appear much to their advantage when seen at a distance from the water. They seem to be much larger than they really are. The Russian is fond of space, and has every means of gratifying this taste. Our cities are, therefore, scattered over an immense area, which fact, joined to the profusion of churches, gives them a grand and imposing appearance from a distance. At 11 a. m. our steamer landed. The pier was decorated with flags and covered with carpets. Upon the estrade stood the governor himself, Lieutenant General N. A. Goodzevitsh, in full uniform. There was no crowd, as usual, at our arrival. We were not expected until towards 2 o'clock in the afternoon; but the extraordinary rapidity with which we ascended the Volga disappointed the calculations of the hospitable inhabitants of Kostroma, and the reception of the envoy did not go off quite as successfully as they expected. I was told that towards 2 p. m. there was to have been a procession of young ladies, to meet, with flowers, the long-expected guests who had undertaken so long a journey to pay a visit to the city of Kostroma, that cradle of the Russian monarchical system. Notwithstanding our untimely arrival, the news flew as lightning through the city, and the quay began to fill with numbers of the curious. Everybody hurried to the landing place with a countenance lighted up by joy. The general appearance of the popular masses was very like that which our people assume upon occasions and feasts most near to their hearts If the way of Mr. Fox was not strewn with flowers, as was originally intended, by the inhabitants of Kostroma, the honorable envoy was no doubt sufficiently indemnified for all the trouble he had taken to travel so far by the expression of ingenuous happiness shining in the countenance of the people who came to meet him. The governor came on board the Despatch to welcome the distinguished visitors; after which, Mr. Fox, Rear-Admiral Léssovsky, and all the gentlemen of the travelling party went on shore, and, seating themselves in the elegant carriages supplied by the city, proceeded immediately to make calls at the governor's, the marshal's of the nobility of the province, N. P. Kartzeff, and the mayor's, A. A. Akatoff. After this excursion in the city, the party returned on board the Despatch, where a lunch stood ready, and the above-named dignitaries of Kostroma, who came to repay the visits they had just received, were invited to partake of our travellers' fare. The lunch was served under a tent on the deck of the Despatch. Innumerable crowds of people covered the landing place, decorated with a profusion of flags. Further up, the panorama of the city, with her beautiful quays and lofty cupolas of churches; the river, cut in all directions by a multitude of rowing boats, carrying groups of men and ladies; and above the whole picture, the lofty hills of the bank opposite to the city, and the infinite perspective of fields, villages, and woods. This truly Russian landscape was, indeed, appreciated by our transatlantic friends. During the lunch, loud "ooras" and expressions of satisfaction and joy resounded in every direction upon the river and on shore. Some barges lying near to our steamer were crowded with people. A man standing upon one of these barges attracted Mr. Fox's attention by his loud shoutings and the peculiar distinctness with which he pronounced the envoy's title and name. The man, who proved to be a painter of images, Ivan (John) Ratshkoff, was summoned before Mr. Fox, who was pleased to bestow upon him the favor of giving to him his photographic card, upon which Mr. Fox traced his own name and the date of that day. Ratshkoff was moved to tears by this gracious proceeding. He went on shore, and reappeared after a while, carrying in his hands an image of Nicholas, the doer of miracles. This picture, executed by himself, Ratshkoff presented to the honorable envoy, who requested him to make also an inscription, which was executed by Ratshkoff in the Russian tongue, and immediately translated into English by one of our party. After lunch our party, in company with the marshal of the nobility of the province, drove out to visit the beautiful square of Soossanin, with the monument of that heroic Russian peasant who deliberately offered up his own life to save that of his Czar; thence to the monastery of Spatius, where we surveyed the church, the vestiary, and the rooms in which the first Czar of the House of Romanoff had lived for some years. In these rooms the Americans were requested to inscribe their names upon a special page of the

* Popular designation of Volga river.—*Translator's note.*

visitors' book, kept at the library of this celebrated and much visited Russian monastery. Then we surveyed the historical Oospensky cathedral church, built in 1239 to consecrate the event of the miraculous appearance of the Holy Virgin's image, called the Fedorovskaya. At 6 p. m. the party went to the House of the Assembly of the Nobility, where a dinner was given in honor of the American mission by the city of Kostroma. This festival deserves a particular description.

The magnificent and newly furnished House of the Assembly of the Nobility was decorated with flags and shields, upon which were painted various emblems, expressive of the friendship which unites the great nations. The staircase and the halls were ornamented with a profusion of flowers and costly tropical trees. A military band of musicians welcomed the guests at the entrance door. An immense crowd of about 20,000 people surrounded the house. The gentlemen managers met the guests at the perron, and conducted them to the state-rooms, where a numerous company was already present. All classes of society were represented at this dinner, including the peasants. At 6½ p. m. the company sat down to table. The general aspect of the banquet was beautiful. The lofty hall, with its white marble walls, had a truly festive appearance. The galleries of the second story, running round the walls, were filled with ladies. At the bottom of the hall, in a rotunda, an admirably executed portrait of his Majesty the Emperor was placed amid flowers. The wall opposite to the rotunda supported three shields, with the initials of Washington, Lincoln, and Johnson. Two tables, laid out in most gorgeous style, stood parallel to each other. In the choir, above the rotunda, a band of musicians was playing. It was really a matter of wonder, to those well acquainted with the scarcity of our provincial resources as to objects of luxury, how such a dinner could be furnished on so short a notice, and at a distance of 350 verstes from Moscow and 850 from Petersburg. When the champagne was presented, N. P. Kartzeff, the marshal of the nobility, rose to his feet and said:

"GENTLEMEN: The presence among us of the right honorable Mr. Fox, envoy of the powerful North American nation, is not only a brilliant mark of sympathy on the part of the American people, participating in our joy at the providential preservation of a life so precious to us, but also a pledge for the continuation of the friendly alliance between America and Russia; an alliance arising from similarities in some high traits of national character. Gentlemen, Russia and America, by different ways, but at the same time, arrived at equal results; both countries insured to all their citizens, without exception, the right of free labor protected by law. In our country, the beneficent reform which gave liberty to twenty millions of men, was carried into execution by the nobility, which is constantly standing in support of all the great reforms accomplished by our beloved sovereign in so short a time, without the slightest social disturbance, and amid universal sympathy and love. We all feel sincerely grateful to the right honorable Mr. Fox, representative of the great North American nation, for his own and his travelling companions' visit to our province, the birthplace of the reigning dynasty and of two preservers of Czars. I have the honor to express our compliments of welcome to the right honorable Mr. Fox, and I propose a toast to the health of the President of the United States, and to the welfare of the great North American nation."

In answer to this speech, which was received with applause and prolonged "ooras," Mr. Fox said:

"Here the first of the Romanoffs received the announcement of his election to the throne of Russia. Here, at the same time, was bestowed the blessing of a tearful, pious mother. Let us drink to the long life of that Romanoff, in whose heart, by the goodness of God, a mother's blessing is producing those rich fruits—the elevation of his people. To the Emperor of all the Russias."

Enthusiastic applause and "ooras" greeted Mr. Fox's toast, and it was followed by the hymn of "God save the Czar," listened to in religious silence.

Then Mr. Pritchard, of the American navy, proposed a toast to her Majesty the Empress; and Lieutenant General Goodzevitsh one to his Imperial Highness the Crown Prince Cæsarevitsh and the whole imperial family. Both toasts were received with unanimous "ooras," and accompanied by the Russian national hymn.

Mr. Prokhoroff, president of the district ooprava (board of administration) of Kostroma, having asked and obtained leave to speak, said: *

"Hail to you, dear guests, good friends, bold fellows, wondrously clever, gallant knights of the free American land! Such is the popular acclamation by which our straightforward Russian people greets and welcomes you. It is not for nothing that our people does so; not for nothing, indeed. You came across the sea—the ocean—to renew throughout Russia the joy, the jubilation, occasioned by the preservation of the precious life of our beloved monarch, of our glory, our hope for the most happy future to our land. We know how to appreciate your wish to become acquainted with everything which lies nearest to our hearts. We are glad to know that you saw our native soil, our father the Czar; the monuments of our glory; of our devotion to the Czars. We are glad to have seen that you visited the modest hermitage of St. Ipatius, whence the ancestor of our present Emperor Alexander II was called out by the people to embrace the Russian crown; glad that you looked upon

* Mr. Prokhoroff, in this speech, imitated, very successfully, the tone and manner of the ancient Russian popular poetry.—*Translator's note.*

the monument of Ivan Soossanin, who offered up his life for our Czar's ancestor. Now I appeal to your own sense of justice, would it be natural in us not to feel friendly towards you, when our joys are the same? You have broken the chains of slavery at the sacrifice of your blood and fortunes. In our country there was no slavery proper, but there was a state of dependence which equally burdened the land-holders and the land-owners. This state of things was removed by the supreme will of our monarch; and at the same time, in the name of truth, were removed the chains which lay upon Russian thought and speech. You rejoice at the abolition of slavery; we rejoice at the disappearance of servitude to estates, and greet, in the name of truth, the liberty of thought and speech. Our joy is common. But where joy is common there sorrow must be also common; and from this last may the Lord preserve us in future. Let us wish that there be no sorrow, either in America or in Russia; but if the Divine Providence visits one of them with sorrow—well, we will equally share it!

"Envoys of a free people, we beg you to transmit our hearty greetings to your Congress, which has sent you upon so noble and disinterested an errand; and to your powerful country our sincere wishes of peace, of success in knowledge and labor, supported upon true strength—the respect of law. Brothers, let us fasten our good wishes by a joint toast: To the welfare of America with her free institutions, and to the welfare of Russia with her beloved monarch!"

This beautiful and so originally expressed toast went to the hearts of all present. When the thunder of applause which followed it had subsided, Mr. Kartzeff proposed that a telegram should be sent to Washington containing this: "Kostroma, the cradle of the house of Romanoff, at a reception of welcome to Mr. Fox, expresses her wishes of happiness to the American people!"

This motion, together with the toast to the Assistant Secretary of the United States Navy Department, proposed by the president of the provincial ooprava, were unanimously received with loud, prolonged "ooras."

Mr. Fox answered as follows: "Kostroma surrounds us with welcome. Outside of these walls we hear the plaintive songs of Russia; within, the national airs mingle their martial strains; before us, our flags intertwine in fraternal embrace; in the galleries above us, alas! too far removed, the angels of Russia bless our meeting with their presence. Pilgrims from the New World, we came hither desirous to connect the name of our country with your glorious history; to plant upon this sacred soil the seeds of that sympathy which I am commissioned to express by the people of America, and we pray that the seed thus sown may bear a perennial harvest of brotherly love forever. I drink to the governor, the marshal of the nobility, the mayor and people of Kostroma." [A thunder of applause and "ooras."]

Then Mr. Curtin, secretary to the American legation, delivered, *in the Russian tongue*, the following speech:

"LADIES AND GENTLEMEN:* There are grounds so hallowed by glorious and sacred traditions that our hearts, at the sight of them, are irrepressibly moved. Upon such a place we are now standing.

In a time of trouble and trials, when Russia stood an orphan without Czar, and her foes were preparing to destroy and ruin her, Kostroma had a youthful boyarin (nobleman) who possessed merits enough to be elected Czar by the unanimous will of the Russian people. When the newly elected Czar's life stood in danger, Kostroma had a peasant who gladly offered up his life for the Russian Czar and the Russian land. When, at last, two centuries later, a criminal hand was raised upon the descendant of Michael Theodorovitsh, the Divine Providence, protecting Russia, did not allow the crime to be consummated; and, by the hand of a peasant of Kostroma, again preserved Russia from calamity. This is the meaning of Kostroma. She once gave and twice preserved to Russia a Czar. This is why she is honored by Russia. This is why we Americans come from our remote country to greet Kostroma, and to congratulate you, her inhabitants, upon the preservation of the Czar, your fellow-countryman, and upon the brilliant heroism of your fellow-countrymen, the peasants Soossanin and Kommissaroff-Kostromskoy. This is why I beg leave to proclaim a toast to thee, Kostroma the beautiful."

After this eloquent toast to Kostroma the beautiful, one of her citizens offered a toast to Rear-Admiral S. S. Léssovsky, the worthy representative of Russians in America, who, in 1863, fastened the first links of friendship between Russia and the great American people.

S. S. Léssovsky answered this toast by proposing one to those who so well assisted him in his mission, the officers of his squadron—some of them being present—and, generally, to all Russian seamen.

Many other speeches followed, of which the most marked was that of peasant A. Finikoff, a relative of Kommissaroff-Kostromskoy and member of the rural ooprava of the province. Mr. Finikoff said:

"Right Honorable Mr. Fox: Allow me, a representative of the peasants freed by our good Czar from servitude to estates, to say to you welcome! Here you see the likeness (pointing to the portrait of Kommissaroff-Kostromskoy) of one of us, who saved our sovereign's life; and to this occasion we are indebted for your dear presence among us. Please receive, in my person, the expression of sincere gratitude on the part of all peasants for your friendship

*Here Mr. Curtin turned himself to the galleries, which were filled with ladies.—*Correspondent's note.*

and your love towards our country and our Czar, the liberator; and allow me to propose a toast to the mutual friendship of Americans and Russians."

At nine o'clock, after a last toast to the Russian and American ladies, the guests rose from the table. The day concluded in a family ball, which took place in a richly decorated and illuminated pavillion of the public gardens. There our transatlantic friends became acquainted with Kostroma ladies, and took a lively share in the dances. After the ball the American guests returned on board the Despatch, having to sail from Kostroma early in the morning of the following day.

Speech delivered by the Vice Chancellor, Prince A. M. Gortshakoff, at the dinner given in honor of the American mission, in the English Assembly of St. Petersburg, on the 8th of September, 1866.

GENTLEMEN: Our transatlantic friends are already acquainted with those feelings which their presence among us and the cause of their mission to Russia awaken in our country. These feelings were already expressed to them from all degrees of our society, beginning with those spheres where a cultivated mind makes use of every possible ornament to express its thought, and finishing with those where, under an immediate impulse of the heart, a simple and unadorned language is spoken. These feelings were spoken out and expressed as if by one common voice of the masses, and it would be impossible for me to add anything to what has been already said and done. The unwonted fact, the unique example in history, of the Congress giving expression of feelings of profound esteem and sympathy towards our sovereign; the selection of the officer commissioned to convey hither the message of Congress; the personal qualities of this envoy, who knew how to resolve the difficult problem of preserving the dignity of his official standing, together with the cordial warmth of genial feeling; the daring spirit of enterprise and the skill of those who conducted the expedition, and, by crossing the ocean, resolved a problem which until now was a question unanswered by the cotemporary art of navigation; at last, the presence among us of the representative of the nation which, for many years and under all circumstances, showed to us a constant readiness to continue the friendly intercourse between the two peoples—gentlemen, all this together composes something complete, undisturbed by any dissonance.

I rejoice at all these gentlemen's presence among us, because I am assured that Russia can but profit by a nearer acquaintance with her. [Applause and cries of "bravo."] Distance smooths the lines of a far horizon, but prevents us from studying the details of a landscape. I rejoice that foreigners—practical people—free from preconceived opinions, have an occasion to see us near, to study us such as we really are; that they have an occasion to appreciate according to his merits, as well our sovereign, the best glory of our country, as our people, its power.

It is generally said that good reigns leave many blank pages in history. This saying is not altogether true; and if there is a reign the history of which is adorned upon each of its pages with daily records of most important, most grand reforms in the country's interior organization, a reign engrossed by wise cares for the present time and mindful of lofty plans for the future, such a reign is the one in which actually centre the unlimited devotion and love of our whole country; because every one of us is fully convinced that every minute of our high leader's life is, with infinite self-forgetfulness, wholly consecrated to the welfare and happiness of our country. [Cries of "bravo!" and prolonged applause.]

Of all great acts accomplished I will point only to the most important—the emancipation from dependence upon land estates. At this occasion I beg leave of our friends, the Americans, to express myself with full and complete sincerity. An error slipped into the address of Congress—where enemies of emancipation are mentioned; an error, however, which explains itself by distance and time. The madman alluded to does not belong to any nationality. [Voices from the audience: "Bravo! it is true!"] He was not connected with the country by any personal interest, and represents but a blind hazard of birth. Gentlemen, in Russia there is not a single enemy to emancipation, and those who are indebted to it for their freedom did not meet it with more joy than those to whom this measure was a duty connected with considerable sacrifices. The Emperor, our sovereign, was the first who conceived this truth, and he testified to it before his nobles, the owners of the land. And I am sure, gentlemen, that in this hall, where so much intellectual strength and so many interests are present, not a single voice will be raised to contradict this, my statement.

I need not dwell upon expressions of sympathy between the two countries. This sympathy is too clearly obvious to every mind. It is one of the most interesting facts of our time which gives birth between two nations—I will venture to say between two continents—to germs of mutual good will and friendship, which shall bear fruits, create traditions and tend to strengthen relations founded upon the true spirit of Christian progress. This tendency does not originate in geographical proximity. Between us lie the unfathomable abysses of oceans. Neither is it founded upon the strength of acts written on parchment; nor do I find the slightest trace of such acts in the archives of the ministry intrusted to me. It is purely instinctive, and I will, therefore, venture to call this tendency a doing of Providence. [Prolonged applause and cries of "bravo!"]

I rejoice at the mutual friendship of two great nations. I believe in its duration, [Bravo

bravo!] and I will, in my political station, devote my cares to whatever may impart more strength to it. I say cares, not efforts, because no efforts are needed where all reposes upon natural and mutual attachment. [It is true! it is true!]

Another reason which urges me to speak out in every man's hearing my view of the existing connexion, is the fact of its being perfectly free from the slightest danger or threat to anybody whomsoever. It exists by itself alone, without any interested views or any reservation. It has pleased the Almighty God to place both countries in such conditions that each may be satisfied with concentrating its efforts in the development of its grand interior public life.

Upon their territory the United States of America are invulnerable, and this invulnerability lies not only with their natural frontiers being marked by the oceans and inaccessible to any European conflict, but also with the prevailing spirit of their people and the individual character of their citizens. America can be threatened only by evils of her own creation. We covered with crape the sorrowful pages of her latest history. We looked with sorrow upon the contest between the brothers of the north and the brothers of the south, but we always believed in the final triumph of the cause of the Union, and now we hope to see the success of the noble efforts of the actual President, whose system, imbued with firmness and moderation, has constantly met with our approval and sympathy.

And in this respect, gentlemen, I will allow myself to point out a certain analogy between the two nations. Russia, by her geographical position, may be involved in European collisions; the chances of war may prove unfavorable to us. But, nevertheless, I think that Russia is equally invulnerable, and that this invulnerability will clearly appear whenever the feelings of national dignity and national pride shall be seriously touched; because, in such cases, as in all our historical trials, the real strength of Russia will come to God's light. This strength does not exclusively lie in the immense extent of our territory and the enormous number of our population; it has also a purer and higher source, the close and indestructible union between the sovereign and the country, which, in cases above mentioned, hastens to lay into his hands all its forces, intellectual and material, as it directs at present toward him all its feelings of unbounded love and devotion. [For some moments the orator is interrupted by prolonged applause. On all sides are heard exclamations of bravo! bravo! it is true!]

I thank you, gentlemen, for your indulgence to the words uttered by me. I have only to regret not to be able to express more eloquently the feelings by which we are all animated at the present moment. [Prolonged applause and cries of bravo! bravo!]

I cannot conclude without filling a blank which would be remarked by our American friends. It would be really a blank if I did not consecrate a few words to the memory of President Lincoln, the great citizen, who offered up his life for the fulfilment of his duty.

After this, I beg leave to come back to a toast already proposed and accepted, and to propose once more a toast to the welfare of the United States: to the success of the great work of pacification, undertaken by the actual President; to Mr. Fox, who received a mission which could not be put into more worthy hands; to Captains Murray and Beaumont, to whose daring spirit of enterprise we are indebted for the safe passage of the mission sent to our country; and also, collectively, to all those who contributed to the success of this passage. At last, I would be ungrateful if I did not mention in this toast the representative of the United States who remains with us, who was constantly giving us proofs of his good dispo sitions towards Russia.

When our friends shall return home, I wish that they might carry with them and preserve feelings like those which they have bequeathed to us. Let them tell to their fellow-countrymen that there is a great people who will never forget the expressions of sympathy towards their sovereign; a people who will never forget that there was in the history of the two great nations a moment when Russians and Americans lived with the same life, when our distant friends shared equally our apprehension and our joy.

THE NETHERLANDS.

Mr. Pike to Mr. Seward.

No. 182.] UNITED STATES LEGATION,
The Hague, December 6, 1865.

SIR: I am without any of your favors since my last.

The hope that was entertained some weeks back that the change of season would operate to check the alarming disease among the cattle has not been realized. The murrain spread more in England, however, than in this country.

There it appears to be taking on the dimensions of a national calamity. Here, it is more under control, and has only invaded that part of the country lying about the Rhine.

The progress of the infection is marked from time to time by circles established by the authorites, within which no intercourse is allowed with outlying districts.

1. Isolation and destruction are the only means which experience has shown to be efficient to check the spread of the disease.

2. Curative remedies have almost ceased to be regarded of practical value, the proportion of recoveries are so small.

3. The disorder is believed to be not self-originating, but solely the result of contagion. These are the main points established by the progress of the disease in Holland. The danger to our country from this fact is, perhaps, slight, though its terrible character would seem to require precautionary measures against its possible introduction by importation.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pike to Mr. Seward.

[Extract.]

No. 183.] UNITED STATES LEGATION,
The Hague, December 13, 1865.

SIR: I have the honor to acknowledge the receipt of your despatches of the 22d and 27th of November, Nos. 259 and 260.

The close of the year finds political affairs in Europe in a state of repose.

The special afflictions which are the common lot of states as of individuals seem not to be above, but rather below, the average of the times of peace. In many countries it is the financial question that disturbs more than any other.

The same embarrassment burdens the back of the Pope.

But the present and probable future continuance of the extraordinary gold product of our times, it is believed, will settle all questions of this character favorably here in Europe, as well as elsewhere, with the exercise of a very moderate amount of wisdom.

But the financial condition of this country, of Great Britain, of Prussia, of Belgium, and of the small German states, is so flourishing as to need no unusual restoratives. In nearly all these, a full equilibrium between revenue and expenditure is established on the basis of a moderate taxation.

Even England and Holland can scarcely be considered exceptions.

No great political dangers seem to menace any state, unless it be Spain, whose conduct in transatlantic waters invites retribution.

Poland is subdued, the duchies are swallowed, the Fenians are in jail, Maximilian is expected home, the house of Augustenburg is relaying its foundation in England. * * * * * *

Austria set a useful example to other disturbed nationalities by an attempt to consolidate her empire by ideas, instead of the old method of force.

The cotton culture, the growth of our war, has enriched Egypt, and advanced Turkey, and even given an impulse to Islamism, which, under it, may again spread itself into surrounding portions of Europe, afflicted by systems yet more effete than its own.

Political discontent seems nowhere rife, for revolutionists can get to America in fifteen days for as many specie dollars, and the republic was never in higher favor than now.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Rhodes to Mr. Seward.

[Extract.]

No. 3.] UNITED STATES LEGATION,
The Hague, October 27, 1866.

SIR: The difficulties growing out of the relations of the King of the Netherlands with the Duchy of Luxembourg seem to be increasing. His Majesty of the Netherlands, King William III in his quality of Duke of Luxembourg, had a vote in the German Bund, and when this body met at Frankfort in June last to pronounce for or against Prussia, he decided on remaining neutral. Victory having fallen on the side of Prussia, this power, the German confederacy having ceased to exist, declared itself the legitimate successor to the obligations under which the states rested towards the defunct organization; in short, that Luxembourg having belonged to the German confederacy must submit to the same rule imposed upon the other members of it, and become a part of Prussia.

His Majesty of the Netherlands, so far, refuses to accept this construction of the case, and the Prussian government remains firm in its demand. In the mean time the strong places of Luxembourg are garrisoned by both Prussian and Dutch troops while the negotiations are pending between the two powers. Rumors are current that Prussia is inexorable in her determination to annex Luxembourg, and that his Majesty of the Netherlands is equally decided upon not surrendering.

Strange to say, critical as this question of Luxembourg seems to be, it does not occupy the minds of the Dutch as much as that of the abolition of a partial form of slavery now existing in Java, the richest of the Dutch colonies. This question is the principal issue between the two political parties, and has been under discussion in the chambers for several years past. As is well known, one of the principal sources of the revenue of the government of the Netherlands is Java, under the present system of enforced labor. The conservatives, who uphold this system, argue that it is owing to the present organization of labor that Java is of so much value, and that without it the colony would cease to be productive. Thus the conservatives present the material advantages of their case, to which the Dutch are certainly not insensible. But the Dutch loving liberty themselves, do not wish to deprive others of it, hence this apprenticeship (to give it its mildest name) of the Malays is obnoxious to them generally. This sentiment found an exponent in the leader of the liberal party, Mr. Thorbecke, and about two years ago, when he was in the ministry, a bill for the emancipation of the Malays was introduced in the second chamber under his auspices, but was lost, whereupon he retired from the ministry and was returned as a member to the lower chamber, where he has continued to agitate the subject up to the present time. When Mr. Thorbecke resigned his portfolio, one of his fellow ministers, Mr. Meyer, considered as identified with him in his political opinions, was charged with the formation of a new ministry. It remained, how-

ever, substantially the same, and was still regarded as representing the liberal party, the principal article of whose faith is the abolition of the Malay slavery of Java. * * * * * *

I have the honor to be, very respectfully, your obedient servant,

ALBERT RHODES.

Hon. WILLIAM H. SEWARD, *Chargé d'Affaires.*
Secretary of State, Washington, D. C.

Mr. Rhodes to Mr. Seward.

No. 5.] UNITED STATES LEGATION,
The Hague, November 29, 1866.

SIR: The apprehensions which were entertained here at the date of my last despatch, in reference to an approaching crisis of the Luxembourg and colonial questions, seem to have subsided since the election of the members of the second chamber. In the excitement of the contest, when every influence was used, an importance was doubtless attached to these questions which they did not possess.

The address of the King, which was read at the opening of the new chamber, contains nothing of especial interest. Since the election, both parties in this body claim a majority, but their relative strength will not be ascertained until a dividing or party question is raised. The number of the supporters of the ministry in the chamber is greater than was anticipated it would be previous to the elections, and it is possible, by skilful combinations, the present ministry may remain.

I am, sir, very respectfully, your obedient servant,

ALBERT RHODES.

Hon. WILLIAM H. SEWARD, *Chargé d'Affaires.*
Secretary of State, Washington, D. C.

CHINA.

Mr. Williams to Mr. Hunter.

No. 6.] LEGATION OF THE UNITED STATES,
Peking, September 5, 1865.

SIR: Referring you to my despatch of June 26, (No. 3,) I have now the honor to give you further particulars and documents respecting the action taken in regard to Burgevine, received since it was written, and to offer a few explanatory remarks.

I wish first to correct the rumor alluded to in that despatch that Burgevine had aided Walker in his attempt in Central America. It seems, from the best data that I can get, that he did not join in those operations, and his name is not found in the list of men outlawed by President Pierce. The despatch of the consul general, (enclosure D,) written after furnishing him a copy of my own, contains several facts respecting the conduct of Burgevine in 1863, that were not accurately known to me at the time of writing, and shows that Mr. Seward had done all that he could at the time to arrest this man's further aiding the rebels. It also corrects my inference that he had been secreted in China for a year when captured, and the more important implication of his having been connected with the seizure of the Firefly in 1863.

To my mind Mr. Seward's statement takes away all excuse from Burgevine for coming back. It is not easy to imagine what he expected to do or get at all commensurate to the risk he ran, for he must have known that the insurgents were weak, and that, though they had possession of Changchau, near Amoy, their prospects of making head against the imperialists were very poor. In explanation of the contempt shown to the authorities of his own country by returning, it may be observed that the conduct of all foreigners who joined either the imperial or rebel side was usually regarded by their countrymen as political, rather than penal or immoral, involving little more than the risks of life and limb, with chances of pay and plunder. Those who aided the rebels were deemed to run little risk of punishment from their own authorities; and I do not know of one person having been tried and punished in a consular court by anything more severe than deportation.

The refusal of the local officers to deliver Burgevine to the consul at Fuhchau (enclosures A and B) was, judging by the comparison of dates, probably unknown to the officials in Peking at the time Prince Kung's despatch of June 16th was written, which speaks only of the report from Kwoh, the commander of the forces investing Changchau. But the course the former intended to take was doubtless indicated; and they seem to have deemed it necessary for their own safety lest an attempt should be made to rescue their prisoner (see enclosure H) to keep him very close, and forward him to the north while awaiting orders from court. This apprehension accounts for their refusal to let the consuls at Amoy and Fuhchau see him.

My former opinion that the officers in Peking would see that he was well taken care of while in their hands still remains, for the inducements to do so were very strong, inasmuch as they wished to make an example of him if he was yielded up to them, which his death would prevent, as well as bring their motives into suspicion. A discussion of the article in the treaty which grants entire control of the subjects of each nation to its own rulers served to bring out their distinct assent to it; and furthermore, that if the United States government required Burgevine's surrender, they would give him up to the jurisdiction of his own authorities. While I told them that, taking all the circumstances of his case into consideration, I was of the opinion that the ends of justice would be reached, and a conspicuous warning given to others, by yielding him up, I certainly would not have done so had I not reason for trusting them in the meanwhile with the safety of his person. They insisted, with some reason, on their having already twice surrendered him, and that now it was for the interest and peace of both nations that he should be prevented from further action. I am desirous that this point should be borne in mind, lest an inference be drawn that, in allowing him to remain a prisoner in their hands, I gave up the principle of entire control over our citizens which the treaty contains. It seemed to me that some regard was due to the official relation which had previously subsisted between them and their prisoner, but I may have given it too much weight.

It is a question of some interest, and particularly in this connection, whether an American citizen can divest himself of his own nationality in a country like China, where the principle of exterritoriality is acknowledged by any act or declaration of his own. The converse of this question would be involved in its answer, whether a citizen can be declared to be an outlaw by his own authorities, and deprived of their protection for any act of his own. I suppose that neither can be done; that a citizen can neither throw off his allegiance nor be deprived of his citizenship while in Chinese territories. Many of our countrymen have taken service under the Chinese local authorities without any well defined arrangement on either side, and without the express cognizance of their respective higher authorities; some disappointment and trouble have arisen in some cases, as each party has judged its own obligations and privileges by its own understanding and usages.

The enclosures A to I contain all the facts of this case that have come to my knowledge. If I had had these papers in June, I could have shown to the high officials here that the ends of justice would have been as fully reached, and much sooner, by giving Burgevine up to be tried by his own authorities as by allowing him to remain in their hands. I was, however, obliged to act without them; and it is almost needless to add, too, that nothing in my former despatch was intended to reflect in any way on the action taken by the consul general towards Burgevine in 1863. The particulars of the death of this unhappy man (as given in enclosure H) in the southern part of Chehkiang province have been corroborated. It thus removes the decision of the point submitted to you in my first despatch from being a practical one to one that will serve as a guide in future.

I also add two enclosures (J, K,) relating to a homicide at Amoy, which are relevant to the general subject. The tone of the note from the Foreign Office indicates a strong desire on the part of the authorities here to co-operate in removing unruly foreigners from the ports, and to call in the assistance and authority of the consuls. In such cases it is nearly impossible to convict and punish the real criminals.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Schedule of enclosures with despatch No. 6.

Mark.	From.	To.	Subject-matter.	Date.
A	G. F. Seward ...	S. W. Williams .	States what has been done with Ward and others, and demands made for Burgevine, enclosing letter to.	July 7.
B	G. F. Seward ...	Ting	Demanding the rendition of Burgevine.	June 29.
C	Governor General Tai.	British consul ..	Stating reasons why Burgevine should not be given up.	June 30.
D	G. F. Seward ...	S. W. Williams .	Reviewing the conduct of Burgevine, and the action taken in consequence, and also the various demands made for his rendition.	Aug. 2.
E	G. F. Seward ...	J. Markham	Inquiries whether Burgevine was connected with the capture of Firefly.	Aug. 2.
F	J. Markham	G. F. Seward ...	Regards him as having been personally unconnected with her capture.	Aug. 3.
G	.....	.....	Affidavits of I. S. Ludlam and W. Smith upon the same subject.	Aug. 3.
H	Prince Kung ...	S. W. Williams .	Reports particulars of drowning of Burgevine by boat upsetting.	Sept. 1.
I.....	S. W. Williams .	Prince Kung ...	Disposition to be made of his coffin.	Sept. 4.
J	Foreign Office ..	S. W. Williams .	Report of a homicide by foreigners at Amoy.	Aug. 16.
K	S. W. Williams .	Foreign Office ..	Will co-operate at all times to restrain lawless foreigners.	Aug. 17.

PEKING, *September* 5, 1865.

A.

Mr. G. F. Seward to Mr. Williams.

CONSULATE GENERAL OF THE UNITED STATES,
Shanghai, July 7, 1865.

SIR: Referring to my despatch of May 26, No. 3, I have the honor to inform you that both Ward and Hillman have sailed from this port, bound for San Francisco. Carter has left Shanghai, and I suppose has, ere this, had his trial at Amoy.

Finding the Chinese authorities dissatisfied with my action in regard to these men, I wrote them the despatch, copy of which, marked A, is enclosed herewith. At this time I had received a bare statement from the consul at Amoy that Burgevine had been arrested at that port, that the authorities had refused to hand him over, and that they had sent him overland to Foochow.

Subsequently I heard that Burgevine had arrived at Foochow, and Mr. Clark, our active officer at that port, soon afterwards wrote to me that the authorities had refused to deliver him up, and that he had been again started overland for Soochow. Upon this information I wrote the despatch enclosed, marked B. The authorities have not yet answered this despatch, and the case of Burgevine was not alluded to in their reply to the former.

It is reported that Burgevine has arrived at Soochow, and that he has still once more been sent forward, this time to Governor Li, at Nanking. I have no positive information to this effect.

The last feature of the case is shown in a despatch received at the British consulate from the acting viceroy at Soochow, a copy of which, furnished by Mr. Markham, I enclose, marked C. Mr. Markham has written to the viceroy, setting forth the wrongfulness of the course pursued towards Burgevine and of the course proposed. I think that there has been an attempt to pervert the intent of my first despatch, and this is perhaps a favorable circumstance, as indicating that the authorities are aware that their record in the matter is a very bad one. I shall not remit my efforts to secure possession of Burgevine.

I have, &c.

GEO. F. SEWARD.

Dr. S. WELLS WILLIAMS,
United States Chargé d'Affaires, Peking.

Extract from letter of G. F. Seward, United States consul general, to Ting, the intendant, June 9, 1865.

I now learn that Burgevine has been captured at Amoy, and that he is now held at Foochow. It may be remarked in his case also that should he be sent to me I cannot try him for his offence at Amoy, because of the want, which will surely be felt, of witnesses; and even if the witnesses should accompany him, I cannot punish him for that offence so severely as he deserves, because he was prevented by capture from the commission of the act of assisting the insurgents. In his case, however, I can try and punish him severely for his old offences at Soochow. Those charges, notwithstanding that he received a promise from Gordon, for the governor, that they would not be brought against him, I waived on the part of the United States, only in view of his leaving the empire. Having returned in such a manner, he will be liable to prosecution by me on the old and the very grave charge of insurrection attempted and effected at Soochow.

I have, &c.

G. F. SEWARD.

B

Mr. G. F. Seward to Ting Tau Tai.

CONSULATE GENERAL OF THE UNITED STATES,
Shanghai, June 27, 1865.

SIR: Referring to my despatch of June 9, I now have to state that Mr. Clarke, United States consul at Foochow, has informed me that Burgevine had arrived at his port; that he had requested that he should be given over to him, and had been refused; that he had afterward requested to be admitted to see him, and to provide whatsoever he might need, and had been again refused; and that, still later, he had been informed that the prisoner, with two others, an Englishman and a Portuguese, had been sent forward overland to Governor Li, at Soochow.

I perceive in the course thus taken a grave disregard of the treaty, which must certainly

cause complaint on the part of my government. It becomes my duty at once to request that every measure be taken to make this most trying journey as little dangerous as possible, and that at the earliest moment the prisoner be handed to me.

It is also incumbent upon me to make a statement of this case to my superior at Peking; in doing so I shall certainly mention that I have never before had occasion to make such a statement, and that now it is of officers in another province of whom I have to complain.

I trust, also, that I may be able to report soon that the treatment on the route of the prisoner, and of the two others with him, has been such that the ground of complaint will not be further aggravated.

I have the honor to be your obedient servant,

GEO. F. SEWARD.

His Excellency TING TAU TAI, *&c., &c., &c., Shanghai.*

C.

His excellency the acting viceroy to her Majesty's consul.

The viceroy is in receipt of her Majesty's consul's despatch concerning the arrest of Burgevine and other foreigners of Changchow, and demanding the rendition of the one who is an Englishman, and recommending that the same course be pursued in the case of Burgevine, in conformity with treaty.

In reply, the viceroy has to remind her Majesty's consul that Burgevine has again and again received mercy from the Chinese authorities for his repeated misdeeds and determined opposition to the imperial army. His measure of guilt is filled to overflowing. Also in his own country he has disregarded the laws more than once; truly he is a man to be hated by both Chinese and foreigners, and to whom no mercy should be shown.

Moreover, the American consul, Seward, has written to Ting Tau Tai, stating that, were Burgevine handed over to him, he would not punish him. The old crime committed at Soochow he could act upon, for the American consul had, in behalf of the American government, let him off without punishment, understanding that he should not return to China, but, as he has now taken upon himself to return, he can be punished for his old offence, and as he has again assisted the rebels his guilt is heavy. Now, as Burgevine was ordered not to return to China, and has disobeyed the laws of his own country, and has again come to China and assisted the rebels; and as foreign officials have not the power to restrain him, his old and new crimes should be punished according to Chinese law.

As regards the Englishman Kih-lien, (Crane,) it being his first offence, he should be handed over to his consul for severe punishment. The viceroy has already memorialized the foreign office on this case, and when their reply has been received a further communication shall be made through the Tan Tai.

True copy:

Translated by CHARLES CARROLL.
J. J. MIDDLETON, *Assistant.*

D.

Mr. G. F. Seward to Mr. Williams.

CONSULATE GENERAL OF THE UNITED STATES,
Shanghai, August 2, 1865.

SIR: I yesterday received your despatch of July 22, enclosing copy of your despatch to the honorable Secretary of State of the 26th of June. I feel greatly obliged to you for the copy, since it explains to me clearly the grounds of your decision to leave Burgevine in the hands of the Chinese until you could receive instructions from Washington. I find, as I expected, that your action in this respect, was taken under some misconceptions of the action heretofore taken, principally by myself, in regard to Burgevine; and I therefore, in simple justice to myself, now lay before you a statement which will, I trust, serve to place the records in a more satisfactory shape.

I will first offer a simple *resumé* of Burgevine's career, at and near this post, and of my action toward him; and I will then point out how it has come to pass that my connection with the matter has been somewhat misunderstood. It is, to an extent, my fault that the record is not already more clear; but, as you are aware, Mr. Burlingame and myself were, during his stay at Peking, in constant correspondence by private letters, and thus many things were explained to him, individually, which ought properly to have gone on the records of the legation.

Burgevine was second in command of the Ward force of disciplined Chinese when I arrived in China, in February, 1862. He was severely wounded about that time, and did not return

to active duty until shortly after the death of General Ward. He was then placed in command on the recommendation of Admiral Hope and Mr. Burlingame. I do not think, however, that he was, even then, in favor with the local authorities.

This occurred in October, 1862. In January, 1863, Burgevine was dismissed from the command. He considered himself aggrieved, and went to Peking to lay his case before Mr. Burlingame. The latter, in conjunction with Sir Frederick Bruce, thought that he had been dismissed without cause, and they strongly urged his reinstatement. The government apparently assented, and sent a commissioner, who was to arrange the reinstatement, back to Shanghai with Burgevine. In the mean time the command had been given to Major Holland, a British officer, who had been signally unsuccessful, and afterward to Major Gordon, another British officer, whose antecedents were most creditable, and whose subsequent record was such as to do honor to himself and to his country. The governor was well satisfied with him, and declined to receive Burgevine in his stead. Burgevine therefore returned to Peking; but this time found the government very hostile to him. Mr. Burlingame refused again to urge his reinstatement, but he insisted that the very grave charges made against him should be withdrawn. This was reluctantly done, and Burgevine returned to Shanghai.

Sir Frederick Bruce, in a despatch of date September 9, 1863, wrote to Earl Russell as follows:

"The charges which had been abandoned as untenable, were again brought forward, and Burgevine, despairing of justice, left for Shanghai. It was only after his departure, and by representations of the strongest character, that the minister of the United States induced the government to withdraw these charges. But no employment was offered to him, and Burgevine entirely failed at Shanghai in obtaining payment of the sum due, as pay, and for articles supplied for the use of the corps on his personal responsibility. Stung by this treatment, suffering in health from severe wounds, received in the imperial service," &c., &c.

Thus far, Mr. Burlingame's despatch, contained in the book of diplomatic correspondence or 1863, p. 942, will be found to corroborate my statements. Whatever he may have written since I am ignorant of. I mention this, as you refer to his despatch of June 4, 1864.

The claims referred to by Sir Frederick Bruce were, as it was intended, I suppose, by Mr. Burlingame, at once brought before me again by Burgevine. I was at work hard all that summer, urging various claims upon the local authorities, and among them Burgevine's, which amounted to some taels 30,000, but without much success. Burgevine was ready, I think, to leave the country had he received this money; but, stung by his bad treatment, and by the continual delay in the matter of his claim, he finally took the false step of joining the insurgents at Soochow.

There had been many rumors of his intention to take this step, and of the preparations that were being made; but I had been unable to discover any proof which seemed to me sufficient to justify his arrest.

The number of men who went with him was at this time unknown, but some reports made the number as high as one thousand. There was great consternation on the part of the native officials, and even much fear on the part of foreigners. I believed at the time that the general estimate of Burgevine was far too high, and I expressed my opinion then that he would not succeed, unless some subordinate of his should do the work for him. Mr. Hart will doubtless remember that I so expressed myself to him.

Burgevine remained with the insurgents throughout August and September. During that time he actually, on one occasion, came to Shanghai with others, to get some machinery belonging to the steamer Kajor repaired, and to buy arms, ammunition, and supplies. Several vessels of the Osborne Lay fleet were in the harbor at the time, the officers and crew of which were actively on the lookout for him. He, however, escaped; but the marshal of this office, with several others, British and Americans, were arrested, apparently in giving them aid. The marshal was tried by me, with three assessors. Lawyers were employed on either side, but the prosecution failed to make good its case. A full report of the trial was enclosed in my despatch to the Department of State, No. 24. It was also published in the North China Herald of September 26, 1863. The prisoner was discharged, as well as the others, British and Americans; yet I felt so convinced of his guilt that I requested him to resign, which he did. Subsequently, Burgevine himself narrated to me the history of the marshal's connection with the matter, which showed him to be wholly guilty. This will serve to indicate my predicament; my desire to do justice, and the difficulties under which I labored. I am convinced that greater difficulties are encountered here in ferreting out criminals than anywhere else. The thousands of eyes, which elsewhere continually bear upon the actions of men, and bring to light, where offences are committed, if not direct proofs, chains of circumstantial evidence that are sure to entrap the offenders, are here wanting; for the Chinese, who are the bulk of the population, do not see much that is going on before them, while they understand still less, and, as a rule, say absolutely nothing.

The service at Soochow, however, grew irksome and unsatisfactory. It was continual work and danger, and the pay was not forthcoming. Burgevine himself was ill, and he apparently sought to drown his care by hard drinking. His officers entered into communication with Gordon, who still commanded the imperial forces; and, finally, Burgevine himself saw Gordon. On the 8th of October it was arranged that he should come out from Soochow with all his men, (foreigners,) and Gordon, speaking for the governor, and the British con-

sul, and it seems also for me, guaranteed that they should not be prosecuted. I had previously written to Gordon my consent to waive any charges against the Americans concerned, reserving simply the right to send them away from China. Gordon seems to have overlooked this reservation, as will be seen by a reference to the "Blue Book," before quoted, p. 168, report of Mr. Mayers to Mr. Markham.

Extract: "I found that further communications, in addition to those announced in Major Gordon's letters of the 2d instant, had passed with Burgevine and Jones, the two principal leaders; and upon my being able to give the assurance that all ulterior measures would be renounced by the Futai, (governor,) as also that on your part, and that of the United States consul, the arrangements made by Major Gordon would without doubt be respected, there seemed every reason," &c., &c., &c.

Burgevine and the others had great difficulty in getting away from the insurgents, but they finally arrived at Shanghai. I enclose the statement of several of the officers, marked 1 and 2, and have here to refer you again to the statement of Mr. Mayers, above quoted from.

After Burgevine's arrival, so soon as he was at all well enough to move, I notified him that it was necessary for me to demand that he should leave China. He refused to do so, saying that Gordon had guaranteed that no prosecution should be urged. I insisted, informing him that if Gordon had so done, he had acted without authority from me. Burgevine then, as it appears, determined to see Gordon to secure his intervention in his favor. He arranged with the commander of the gunboat Firefly to go to Quinsan with him for this purpose; but upon proceeding to the anchorage of the steamer found that she had gone. He then went on board the Feeloong, another Chinese steam gunboat, to take passage upon her. He was then arrested by the Chinese authorities upon suspicion of connection with the capture of the Firefly, which had taken place before his arrival, and sent to me. I inquired into the case, and satisfied myself that he had not any connection with the matter.

Soon after this, Burgevine still refusing to leave China, I arrested him, and prepared to try him for the capital crime of insurrection. After several days' incarceration he concluded to go to Japan. This would be a compliance with the terms offered by me, and I had to assent. I had the less hesitation, as the rebellion appeared to be on the wane, and as he had come out from Soochow under circumstances which rendered it unlikely that he would again attempt to unite himself with the rebel cause.

Burgevine accordingly went to Kanagawa. As a measure of precaution I wrote to our consul at that port, asking him to keep me informed of his movements. He again returned to Shanghai in the month of March, 1864. There was nothing suspicious about his return, as the rebellion was still on the wane, and as I knew that he had, as he alleged, some private business to attend to. I, however, much to his disgust, lodged him in jail. He said at first that he would submit to trial; but again, after a time, concluded to go back to Japan, which he did on the 3d of April. I have every reason to believe that he remained there until about the 1st of March last. He then came to Shanghai secretly, and went thence to the neighborhood of Amoy, where the rebels had gained many successes. He was at or near that port, as stated in your despatch to the State Department, for several weeks, and was finally arrested. Thence, as detailed by you, he was sent to Foochow overland, and afterwards again started overland for Soochow, a distance of, altogether, about five hundred miles. At Amoy our consul asked that he should be given up. At Foochow he was again asked for, but the authorities refused even to let Mr. Clarke see him. Upon hearing that he had been started for this province, I wrote, asking that he should be handed to me. I have already forwarded to you a statement of my action in this respect, with copies of despatches. The only communication I have received since in the matter was a verbal one, yesterday, to the effect that Burgevine, with another prisoner, an Englishman, and thirteen boatmen having them in charge, had all been drowned by an accident to the boat in which they were being brought on. This is said to have happened somewhere in the province of Chekiang; but I have no particulars, and the authorities profess to have none.

This is my statement of the essential facts of Burgevine's career, and of my connection with him. As to the misconceptions alluded to I will speak as briefly as I can.

In the first place, as to Burgevine having stolen back into the country at Ningpo in June, 1864: The inference drawn by you is, that he was in China from that time until his movement at Amoy was made There were in June, 1864, many rumors of his return; but, after a careful examination, I found that there was no reason to think that he was then here, or that he had been here. This conclusion was afterwards rendered certain by information from Japan. From the time when he went back from here, (April 3, 1864,) I am sure that he was not again in China until March, 1865. Again, on the fifth page of your despatch, you mention his "acts in joining the rebels at Soochow, and then his connection with them afterwards at Shanghai." I was unable to understand at first to what you referred in speaking of his connection with the rebels near Shanghai. I find, however, that it is likely that you mean the matter of the Firefly, heretofore referred to by me, and that it is likely that you have arrived at the conclusion that Burgevine was concerned in her seizure, from the despatch of Mr. Markham to S. F. Bruce, (p. 182, Blue Book for 1864.) I have now to call your attention to that despatch, and ask you to read it in connection with the enclosed letter from Mr. Markham, and the affidavits of Captains Smith and Ludlam, (Nos. 2 and 3.) There was never any charge brought against Burgevine before me that he was connected with

the seizure of the Firefly, or that he was concerned in an attempt to seize the Feeloong, and I think that the evidence now produced will show you clearly that he was not connected with either matter. This is an important point to me. If Burgevine was really concerned in these cases, then it was imperatively my duty to bring him to trial. If he had at once, after coming out of Soochow, commenced new schemes, he would have been deserving of the highest punishment, while I, in passing over the offence, would have been not less culpable than he.

I have, perhaps, said enough heretofore to indicate the circumstances under which I waived the charges against Burgevine for his offences at Soochow, further than to secure his departure from this empire. If I was in fault in this respect, I may plead that it was on the strength of Gordon's request, and of the Futai's assurance, that I expressed my assent to giving terms to the people of Soochow. This appeared then to be an urgent military measure.

I may quote, in evidence of this, from Mr. Markham's despatch to Sir F. Bruce, (p. 164, Blue Book.) After stating the "changes of an unexpected and striking character" at Soochow, he says:

"Major Gordon having hereupon requested my assistance in obtaining from his excellency the imperial commissioner (the governor) Li, and from the French and United States consuls, assurances of amnesty for past proceedings, and having requested the further co-operation of Mr. Interpreter Mayers in bringing this matter to an issue, I allowed Mr. Mayers to proceed to Pootai-kian, and authorized him to tender such assurances as might be borne out by the tenor of a communication which I received from his excellency the imperial commissioner."

As I have thus freely alluded to the contents of the British Blue Book, I would again call your attention to the assertion of the governor, on page 129, that he had informed me that, previous to his departure for Soochow in July, 1863, Burgevine had already been in communication with the rebels. I have heretofore alluded to the reports received by me in this connection, and to the difficulty of tracing such matters in China. I have only to remark, further, that so far as I know, not one person was arrested previous to Burgevine's departure for Soochow, against whom any sufficient evidence was discovered, although it has since appeared that a great many went thither at about that time.

It should, moreover, be borne in mind that my marshal—a most excellent officer ordinarily, but one who, with very many others, was carried away by sympathy for Burgevine—as already shown, was faithless. Upon him I had, to an extent, to rely; and had he been true, the expedition might have been prevented. It is manifest, however, that the consular force was inadequate for such an emergency.

I trust that I have said enough to indicate that I have heretofore acted towards Burgevine with a due regard to the interests of justice. If you have formed an opinion that my treatment was too lenient, I trust that what I have said will correct it. As I have mentioned, I confess myself in fault in not having made a more complete record at the legation.

I hardly feel it to be my part to express an opinion as to the course which you have taken in this last matter. You have, however, already seen the letters which I wrote to the local authorities asking for the prisoner. You will have seen in them that every guarantee which could properly be given was given by me as to the manner in which I should deal with him. While I believed it imprudent to allow them to hold him, I still said, as I felt, that he should at least be put upon trial for the capital crime of insurrection, attempted and effected at Soochow. There are abundant witnesses of his offence here, and, so far as I was concerned, the result would not have been doubtful.

I am confident that, with a knowledge of all these facts, you would have taken up and urged the request for the delivery of Burgevine.

I have the honor to be, sir, your obedient servant,

GEO. F. SEWARD.

Dr. S. WELLS WILLIAMS,
Chargé d'Affaires of the United States, Peking.

E.

Mr. G. F. Seward to Mr. Markham.

UNITED STATES CONSULATE GENERAL,
Shanghai, August 2, 1865.

SIR: Referring to a despatch of yours to Sir F. Bruce, with enclosures, published in the Blue Book of 1864, I have to ask whether you have ever had any evidence which would lead you to believe that Burgevine was concerned in the capture of the steamer Firefly, or that he attempted to capture the Feeloong.

Would you also let me know whether it was not the case that very active measures were taken in July, 1863, to get at the truth of the rumors which existed of the expedition which

was subsequently made to Soochow by Burgevine and others, and whether these measures led to any arrests?

I ask these questions, as the record as it stands leaves me in a somewhat unsatisfactory position.

I have, &c., &c., &c.,

GEO. F. SEWARD.

J. MARKHAM, Esq.,
H. M. Acting Consul, Shanghai.

F.

Mr. Markham to Mr. G. F. Seward.

No. 381.] HER MAJESTY'S CONSULATE,
Shanghai, August 3, 1865.

SIR: In reply to your letter of yesterday's date, I have the honor to inform you that considerable trouble was taken in July, 1863, to get at the truth of rumors then current that Burgevine was organizing an expedition to Soochow, and that numerous arrests were made of persons supposed to be implicated.

Your other question is rather difficult to answer, as the evidence, both with regard to the Firefly and Feeloong, was far from complete. From what I remember of the case I am induced personally to exonerate Burgevine from any direct share in the Firefly piracy.

I have the honor to be, sir, your most obedient, humble servant,

J. MARKHAM,
Her Majesty's Vice Consul.

G. F. SEWARD, Esq.

G.

Statement of I. S. Ludlam.

I am a citizen of the United States. I was master of the steamer Firefly during the time of her charter to the Chinese government up to the date of her capture. I had then resigned and Captain Dolle was about taking charge. I have probably taken as much pains as any one in Shanghai to ascertain the circumstances of her capture and the names of her captors. I am positive in my conviction that Burgevine had nothing to do with it.

I. S. LUDLAM.

Sworn to before me, at Shanghai, this 3d day of August, 1865.

O. B. BRADFORD,
Clerk of Court.

Statement of William Smith.

I am a citizen of the United States. I was in command of the Chinese steamer Feeloong at the time of the capture of the Firefly. The Feeloong was anchored about five hundred yards from the Firefly and one and a half mile from Shanghai. A Chinese gunboat, with four foreign officers on board, was between the two steamers. The Firefly passed the Feeloong at 4 o'clock in the morning—I have forgotten the date. Burgevine and Townsend came on board of my vessel about 4 o'clock p. m. of the same day. I had gone to Shanghai. Burgevine inquired (as the mate told me) where the Firefly was, and the mate told him that she had been seized. He then said that he was going to Soochow. The mate showed him into the cabin and gave him, at his request, some liquor. He then went to sleep, and was asleep when I came on board. When I came on board there were a great many Chinese soldiers on board. I did not hear or see anything which led me to think that Burgevine had intended to capture my steamer. My opinion is that he started for the Firefly, intending to go to Soochow, and not finding her, he came to the Feeloong to get a passage with me.

W. SMITH,
Former Master of the Feeloong.

Sworn to before me, at Shanghai, this 1st day of August, 1865.

O. B. BRADFORD,
Clerk of Court.

H.

Prince Kung to Mr. Williams.

[Translation.]

SEPTEMBER 1, 1865, (TUNGCHI *4th year, 7th moon, 11th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a further communication respecting Burgevine, who was seized for aiding the rebels.

I have recently received a despatch from Li, superintendent of commerce at Shanghai, enclosing another from Ma, the governor of Chehkiang, who informs him that he had received the following report from the district magistrate of Lauki:

"His excellency Tso, the governor general of Fuhkien and Chehkiang, had deemed it best, in consequence of the numbers and power of the bands of insurgents who were leagued together in Fuhkien, a maritime province, along whose coasts Burgevine might be able to keep up a good understanding with them, and apprehensive lest there should arise some attempt to plunder where the guards were weak, not to keep him long in the city of Fuhchau itself, but to send him on to the superintendent of commerce in order that he might be more completely prevented from making such attempts. As Crane, who was arrested at the same time, might be needed for a witness, he was sent on at the same time to be given over to the British consul at Shanghai to be tried and punished. A lieutenant (or chiliarch) named Kia Kwang-tai was accordingly directed to take a number of soldiers and braves with him as a guard of the three prisoners, Burgevine, Crane, and Sykes, on their journey. The party left Fuhchau on the 1st of June, and about noon of the 26th reached a place in Chehkiang called the Hwuitan rapids, in a branch of the Tsientang river. The southwest wind was blowing strong at the time, which increased the rush of waters over the rapids, while the stream was swollen from a fresh that added much to its turbulence. The boat had just begun to descend the rapids when a gust, aided by the surge of waters, upset and completely submerged it. The fishermen and people thereabouts immediately ran to the spot to render assistance; they succeeded in rescuing nine of the soldiers, but Lieutenant Kia, with the three prisoners and some petty officers and the master of the boat, were all, thirteen in number, carried down by the current and drowned. A boat was instantly ordered to go and search for them by dragging, and they succeeded in recovering at last the bodies of the three foreigners below the rapids, where also afterwards were found those of Lieutenant Kia with four petty officers named Chin Fuh-tang, Sung Chun-yih, Wang I-Kin, and Hu Fuh. An inquest was held over the bodies, which were all identified, and then carefully put into coffins.

"On receiving the preceding," adds the superintendent of commerce, "I sent a special messenger back to the place to ascertain the circumstances attending the upsetting of the boat and prisoners, and he reports that it was all as had been described. I have to request, therefore, that the usual honors bestowed in such cases be conferred on Lieutenant Kia and the others named, Chin, Sung, Wang, and Hu, with the master of the boat, who were drowned while on duty, according to their ranks and merits. I shall await directions from the Foreign Office as to the disposal of the bodies of Burgevine and Crane."

With regard to this case of Burgevine, who was joining the rebels near Amoy, I (the Prince) have already addressed a communication to your excellency, on the 16th of June, stating therein that by the laws of China he deserved to suffer capital punishment. In your reply you stated that you desired, before doing anything further, to report the particulars of the case to your own government, how the man had disgraced himself by joining the insurgents and then subsequently stealing back into China, by which conduct he made it difficult for his own country longer to protect him, and to request instructions whether it would be proper to yield him up to the Chinese authorities to deal with him. At a personal interview it was also decided that meanwhile he was to be kept at a distance from the seacoast.

From the preceding report of Li, the superintendent of commerce, I now learn that in transferring Burgevine and other prisoners from Fuhchau the boat was upset in the district of Lauki, at which time Lieutenant Kia, in charge of them, with other officers, named Chin Sung, Wang, and Hu, the skipper and some soldiers, thirteen persons in all, were drowned. Burgevine himself was a man who, by his frequent connections with the rebels, had, as you formerly remarked, acted so as to lose the countenance of his own country. It would have been right, therefore, to have regarded him as amenable to the laws of China; but as he has now met his death by the upsetting of the boat there need be no further discussion about him.

However, with regard to his coffin, which still remains in the district of Lauki, I have to inquire whether it shall be buried there by the Chinese, or whether you have any directions to give respecting its disposal, and where it shall be taken to be buried.

His Excellency S. WELLS WILLIAMS,

United States Chargé d'Affaires, Peking.

I.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, September 4, 1865.

SIR: I have the honor to acknowledge the despatch of your imperial highness, in which you inform me that Burgevine and others were upset in a boat at a place called Hwuitan rapids, on the 26th of June, by a gust of wind, and drowned. His coffin being still in the district of Lauki, you inquire whether it shall be buried there, or whether I wish it to be taken elsewhere for interment.

Burgevine, although he had followed evil practices, was still an American, and I beg, therefore, to express my thanks for the trouble taken by the people of Lauki to search for his body and put it in a coffin, thereby showing their kind feelings. In answer to your inquiry as to its disposal, I wish it to be taken to Ningpo and delivered to the American consul, who will attend to its interment.

I have the honor to be, sir, your highness's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness Prince KUNG, *&c., &c., &c.*

J.

Members of the Foreign Office to Mr. Williams.

[Translation.]

PEKING, *August* 16, 1865.

SIR: We have the honor to inform you that on the 12th instant the following report was received from Governor Li, at Shanghai:

"On the 26th June last a company of twenty or more foreigners at Amoy robbed a small money shop belonging, or near, to the custom-house. The next night they robbed and destroyed a grocery called the Paushing shop, shooting one of the men, named Chin Kween, and wounding Pung King, the master of the shop. The next day information was received that twenty-one foreigners were hidden in a grog-shop behind a shed; whereupon the Chinese and civil military officers deliberated with Mr. W. the acting French consul, and Ying Ya Kwoh, his official interpreter, upon the best course to be taken, and he had the whole party arrested at night, requesting Mr. Pedder, the English consul, to send some of his constables to assist in their capture. Fourteen Frenchmen and four Americans were seized, (three of the number escaping,) who were presently handed over to be examined and punished by the French and American consuls according to law."

This report likewise requests us to look into the matter; and it seems to us very plain that these foreign vagabonds infest the open ports and constantly commit evil, greatly to the injury alike of all natives and foreigners quietly living there.

In May last the heads of all the native hongs and shops in Amoy united in a joint petition, requesting their rulers to concert measures with the consuls to have all foreigners who had no ostensible occupation examined and deported from the place. The authorities accordingly first consulted with Mr. Pedder, the English consul, on the matter, who replied that he would immediately inquire into the cases of all English subjects, who should all be required immediately to depart.

But such a high-handed outrage as that committed by these lawless vagabonds in killing and wounding persons is too grave to be thus passed over, and happily the United States consul and his interpreter, on learning where the miscreants were concealed, aided the local authorities as far as they could, without the least desire to screen the men. Such a course of action is very just, and does much to strengthen our amicable relations. We, therefore, send your excellency a list of the names of the eighteen men seized at this time, and beg you to instruct the consul at Amoy to examine those brought before him in order to ascertain particularly which was the murderer of Chin Kween, that he may be dealt with according to law; and further hope, too, that the other prisoners will be punished properly according to their misdeeds. They should on no account be leniently dismissed, for our hope is that by a proper course a complete stop can be put to these evils, greatly to the satisfaction of all well-disposed persons and the quiet of the region.

While we are writing this note a foreign newspaper has come from Shanghai, in which the following statement occurs:

"One cannot reckon the number of foreign vagabonds who are at present prowling about the settlement. Some have repeatedly set fire to buildings and robbed by night; others go so far as to fire their pistols, wounding and killing people. The intendant of circuit in Shanghai has informed the various foreign consuls of these things, requesting them to examine and restrain these men or deport them all to their respective countries. If there were no funds that could be devoted to this purpose, he proposed to raise means by subscription to

aid in effecting the object, and thus restore quiet. The foreign consuls had a meeting upon the subject, and replied that the chief source of anxiety to the intendant at Shanghai was to keep his jurisdiction in a quiet state. It is notorious to all that these foreign vagabonds rob in and about this city and elsewhere to the great discredit of all foreigners who are involved in these acts, but each country has its own laws by which these men can be suitably punished."

We may, therefore, further observe on this matter that when foreigners and natives live together at the open ports, if the former have no regular occupation, they band together to plunder and stir up the utmost disorder. To seize them after the crimes are committed causes the foreign officers and people much trouble, so that the better way is to take preventive measures and nip the evil in the bud. The intendant at Shanghai is always fully sensible of the evils caused by the vagabonds, and has taken suitable and effective measures to concert with the consuls to repress them. But we are further desirous that you will advise the American consuls elsewhere to take speedy and decisive measures to restrain these lawless men from going about committing such excesses, and we have the sincerest hope that through their efforts both natives and foreigners can attend to their own affairs.

While sending our own instructions to the high officers at Shanghai and the provincial authorities in Fuh Kien to do all they can to stop these evils, we also now send your excellency this note of information with our respectful salutations and compliments, to which we shall be glad to get a reply.

Cards of PAU-YUN,
WAU-SIANG,
TSUNG-LUN,
TUNG SIUEN,
HAUG-KI.

S. W. WILLIAMS, Esq.,
United States Chargé d'Affaires.

Names of the four Americans (derived from the sound of the Chinese characters) are Small, Jennings, Smith, and Wycherly. The names of the fourteen Frenchmen are too much altered to recognize.

K.

Mr. Williams to the Members of the Foreign Office.

LEGATION OF THE UNITED STATES,
Peking, August 17, 1865.

SIRS: I have the honor to acknowledge the receipt of your favor of yesterday, in which you inform me that on the 26th of June last a party of twenty or more foreigners committed a robbery at Amoy, in which they killed and wounded some natives, and that fourteen of them had been turned over to the French consul and four to the American consul for examination and punishment, &c., &c.

As more than a month has elapsed since this occurrence, I have every reason to conclude that the consuls have taken all proper measures to learn the facts of the case, and if they were able to ascertain who it was that killed Chin Kween he will be dealt with according to law, and the others be suitably punished. There will be no improper leniency shown to the criminals.

I am always ready to join in every effort to maintain the public tranquillity and to relieve the fears of all well-disposed people, and shall, therefore, co-operate to the best of my power and further the suggestions made in your note, by advising the American consul to do all that he can to carry them out and put a stop to the evils caused by these lawless men.

I avail myself of sending this reply to wish you daily happiness, and have the honor to be your obedient servant,

S. WELLS WILLIAMS.

PAU-YUN and other members of the Foreign Office,
Peking.

Mr. Williams to Mr. Seward.

No. 8.] LEGATION OF THE UNITED STATES,
Peking, October 5, 1865.

SIR: I have the honor to enclose translation of a despatch received from the foreign office relating to the extension of the privilege accorded to vessels trading along the coast of China to those which ply between this country and

Japan and Saigon, (the only port yet opened in French Annam,) of paying tonnage dues once in four months. The number of steamers now running regularly between Shanghai and Japanese ports is five, but the trade employs many more vessels; and this concession will be an advantage to a score or two of small craft plying between the two countries.

I forward you a synoptical report of the foreign trade with China during the year 1864, made out according to the instructions of the inspector general of customs, which, I have no doubt, gives a better idea of the commerce with this empire than has before been made.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Prince Kung to Mr. Williams.

[Translation.]

SEPTEMBER 26, 1866, (TUNGCHI *4th year, 8th moon, 7th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

I have recently consulted with M. de Bellouet, French chargé d'affaires, respecting a modification of that part of Article XXII of the treaty with France which relates to the levying of tonnage dues, and have settled the alterations to be made in it. I accordingly now enclose a copy of the amended portion of the article.

It has been decided that at Ningpo and all the open ports north of it the regulation shall come into effect on the 15th of October, and at Fuhchau and parts south of it on the 1st of November next.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

ALTERATION IN ARTICLE XXII OF THE FRENCH TREATY WITH CHINA.

After the expiration of the two days mentioned in Article XX, and before proceeding to discharge cargo, every French merchant vessel shall pay tonnage dues in the following manner: For vessels of 150 tons measurement and over, at the rate of four mace per ton; and for vessels under 150 tons measurement, at the rate of one mace per ton. Whenever a merchant vessel is about to leave one port in China to go to another to trade, or to that part of Annam now under French rule, or to any port in Japan, the master of the vessel shall report the same to the collector of customs, who shall issue a special certificate of the date of the clearance; and if within four months from the date the said vessel reaches any other port in China, she shall not be required to pay tonnage dues again; but after the expiration of the four months they shall be held to be due. Small boats and vessels under the French flag, whether they are decked or not, under 150 tons burden, shall likewise pay tonnage dues once in four months, and the same rule shall apply to all Chinese vessels hired by French merchants from the natives.

The above shall be regarded as the authorized text of Article XXII of the French treaty, in all that relates to tonnage dues, and the original form shall henceforth be regarded as null.

Mr. Williams to Mr. Seward.

No. 9.] LEGATION OF THE UNITED STATES,
Peking, October 6, 1865.

SIR: Since the date of my despatch No. 5, I have received Nos. 135 to 142, inclusive, addressed to Mr. Burlingame, with several recent proclamations issued by the President, and notification of June 2, from the State Department, respecting passports. All their directions have been attended to.

The progress of the insurgents in the south of Chihli province, spoken of in that despatch, has been greatly checked by the decisive measures taken by the government. The banditti have retired to the mountainous regions of Honan, and large numbers of their adherents have dispersed among the population. In such risings the imperialists often cause the continuance of these bands, and aggravate their excesses, by the harsh measures they adopt against their prisoners, whom the laws sentence to death. Having no knowledge of the plan of exchanging prisoners, and quite unable to detain them for any length of time, the government either banishes or puts them to death. This severity provokes retaliatory measures from the insurgents, who both torture and kill their prisoners; and thus the barbarities on both sides provoke and prolong the evils of misrule and brigandage.

The imperial government issued directions in July last to the captain generals of the Manchu Bannermen and other officials, to apportion unoccupied lands among the poor families of this force, and, having settled them upon their lots, to withhold all pensions in future, and leave them to their own efforts. Those stationed in garrison in the provinces are allowed to leave their banner for any pursuit whatever they like, and every privilege belonging to native Chinese is allowed to them. The edict is apparently the first step towards completely disbanding this large body of idlers, whose inefficiency has been proved upon many occasions, and whose expense is becoming intolerable. The numbers who have availed themselves of the new regulations are not great in this region; but as the government has the card in its own hand, and nothing to fear from a rising of these useless idlers, it may ere long take more decisive measures, withhold the present pittance and disband the garrisons. The number of Manchu troops in this city drilled on the foreign system does not exceed 4,500 at present, with about 2,000 more at Tientsin; while in 1825 the rank and file of the Manchu force in this province was 131,500 men, and including their families, must now exceed 200,000 people supported for no useful purpose. Though it would be somewhat hazardous, and even cruel, to scatter this body immediately, the edict now issued shows that its dispersion and utilization have forced itself on the attention of the rulers.

It may interest you to learn that the Russian minister has lately received a telegraphic apparatus which he has had put up in his legation, and has exhibited the mode of operation to Prince Kung and other high officials. They practiced the transmission of short sentences in Chinese, and the Prince afterwards expressed himself gratified with what he had seen, and thanked Mr. Vlangaly very politely for the trouble he had been at in exhibiting the telegraph. The Chinese spoken and written languages are poorly adapted for conveying messages by telegraph, but experience and science will doubtless be able to overcome the obstacles of numerous dialects and puzzling characters, so as to accurately transmit messages across the empire. The safety of the wire itself, amid a superstitious and ignorant people, is likely to be a greater obstacle to its success.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 10.] LEGATION OF THE UNITED STATES,
Peking, October 14, 1865.

SIR: I have the honor to acknowledge your letters of introduction addressed to Mr. Burlingame, dated January 17, and brought by Messrs. E. C. Tainter

and F. E. Woodruff; also a circular concerning the sentence and punishment of the conspirators, and despatch No. 145.

The young gentlemen reached Peking in August, and were received by Mr. Hart, inspector general of customs; they will remain a year in the city pursuing their studies. Last year Mr. Hart furnished Mr. Burlingame with a general account of the Chinese revenue service, and the establishment of the foreign inspectorate in 1860, a copy of which I believe was sent you. He is endeavoring gradually to make the service so cosmopolitan that the treaty powers will all feel that they are represented in its members. At first it was not possible to do this in consequence of the want of suitable men. Of the seventy-one employés above the rank of tidewaiters and examiners, there are forty-six Englishmen, nine Americans, nine Frenchmen, five Germans, one Dane, and one Swiss, distributed at fourteen ports. Last year nine persons (four English, three Americans, and two Germans,) resigned or died, or were dismissed; seven new ones were employed, and next year seven more are expected to arrive from France, Spain, Russia, and England.

When the fifteen open ports are supplied, about ninety commissioners and clerks will be employed, all of whom will ultimately be required to speak and read the Chinese language. The arrangement includes, besides the fifteen commissioners, five chief clerks, and four classes of other clerks, numbering respectively ten, fifteen, thirty, and thirty-five persons in each, all of whom have the prospect of promotion, according to their character, qualifications, and time of service.

None of the foreigners in the customs are in any way connected with their own governments, and the Chinese authorities here and in the provinces are learning to look upon the present system with more and more interest, and to appreciate the advantage of utilizing western learning, integrity, and skill in a service found to be too tempting for natives to carry on honestly.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 12.] LEGATION OF THE UNITED STATES,
Peking, October 24, 1865.

SIR: I have the honor to enclose a copy, marked A, of a printed letter from the United States consul general at Shanghai upon the needs of the United States consulates in China, and respectfully commend the same to your careful attention. Its exhibition of these needs is so well supported by facts and explained by arguments drawn from his experience, that it cannot fail to be appreciated; and I content myself with a few remarks in support of the last paragraphs.

I would, however, go further than Mr. Seward has done in paragraph 25, and in order to attain the end of securing experienced consular officers, recommend the establishment of a special consular service for China, in which the junior members shall become competent and eligible to the higher posts after they have learned the Chinese language and had some training in the consulates. The need of competent interpreters has been so often brought before the department that I am afraid of wearying by repetition, but it is vital to the efficiency of our consular service and measurably to the honor of our nation; and in order to get these interpreters the country must educate them. During the thirty-two

years of my residence in China, there has not been an American consular officer, except young Mr. Hyatt, of Amoy, who could read or speak Chinese, that was not or had not been connected with missions; and the ministers sent out since 1844 have likewise depended on the same class of people for their translators. While Holland, Portugal, and Spain, not to speak of greater nations, have maintained students in preparation for consular duties, our officers have been obliged to depend on missionaries as translators; and when they were not available, to hire half-instructed natives, whose documents and speech they could not criticise, or lastly to apply to English or French interpreters to aid them. If it be objected that, as there is no pressing need of interpreters in the Levant, there should be none in China, the difference is satisfactorily explained by the more general ability of Turkish officials to speak the French or Italian languages, and they have an acquaintance, too, with the usages of European nations.

The Chinese officials, however, have had no opportunity to learn foreign languages, and know very little of the laws and civilization of other countries, so that everything must be explained through their own language. This, of course, throws the burden of such duties very much upon the interpreter, who should, therefore, form one of the consul's staff. But in order to secure the services of the interpreter after he has been educated, he should, I think, have the prospect of promotion and an adequate salary; otherwise no one can be expected to remain in such a service so far from home when other more remunerative positions are open to him after he has acquired the language. The English, French, Russian, and Dutch governments have what amounts to a special service for China and Japan; and some of the English consuls, who began as students, have lived in this country over twenty years, and now hold the highest posts. One of them is now British minister to Japan.

It is this permanence, which brings with it so many advantages to both parties, that I wish to secure to our own country by raising up similarly well-trained servants. It must be apparent to yourself that the constant changing of consuls in this country must result in disadvantages that do not ensue in other countries, where they exercise no executive and judicial authority. We weaken our national character with the Chinese rulers, who have little personal knowledge of consuls who only remain a year or two in office, and with whom they can never converse directly. This disadvantage reacts upon the consul, who feels his isolation, and consequently takes less interest in a people from whom he is thus shut out, and with whose officers he is usually in a state of chronic dissatisfaction. The changes not unfrequently injure the standing of the consular office in the estimation of Americans themselves, who often have more knowledge of the Chinese people and usages than a new comer, who, it may be, has come from Milwaukie or St. Louis to act as their judge and representative, without any previous preparation. The changes are more rapid when the consul is a clerk in a mercantile house, and the disrepute of the service and country is greater in the eyes of the Chinese, who have, as you are aware, strenuously objected to their employ. The remedy for these things seems to me to be a special service of educated men who are desirous of maintaining their country's character.

The treaties with China, Japan, and Siam have really constituted as many governments over our citizens living in those countries; and these governments, as Mr. Seward well remarks, are exercised in the midst of a dozen different powers, each with its own code and corps of officers. In China our obligation to maintain this authority over our citizens is becoming more and more pressing and practical. A case in point occurred at Amoy a few months ago, which may be quoted to illustrate this, the particulars of which are given in enclosures B and C. When the number of Americans was few, and all were occupied with regular business, the consul had not much trouble; but latterly the opening of this country and its internal disturbances have attracted lawless men. More

are likely to come when steamers begin to run to California, and there is risk of the present system breaking down for want of power, as the native officials afford little help in keeping the peace.

I see no reason why a service like the one here sketched should not work harmoniously when the official relations between its members have been defined by the department, and it would then have the regularity and strength of a government, which it is desirable it should really be, and its members be able to manage the difficult questions arising with the Chinese and other nationalities.

I see nothing in Mr. Seward's letter to modify, except that I think he has estimated the annual cost at too small a sum for efficiency. He has well arranged the scheme of present salaries; but, of course, if pupils are sent out to learn the language before going into the consulates, their pay must be higher than he has stated the amount for interpreters in table 3. However, as my plan is intended to be a development of his, and proposes to appoint students who are afterwards to be consuls, the number of years which must elapse before they will be available renders it highly desirable to adopt his plan as the best thing which can now be done. Mr. Seward has had unequalled opportunities for learning the working and defects of the present system, and his figures and statements bring the whole subject before you in a practical shape.

With these remarks, I again commend his letter to your consideration, and beg, also, to refer to Mr. Burlingame's despatch, (No. 16,) which touches upon the same general subject.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

B.

Prince Kung to Mr. Williams.

[Translation.]

TUNGCHI, *4th year, 8th moon, 6th day*—(*September* 25, 1865.)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication:

On the 20th instant I received the following report from the governor of Fuhkien:

"On the 17th of July last a man named Ho Chu-lan, master of the shop named Yuen-chun, situated in one of the wards of Amoy, saw a row between Lin, a costermonger opposite his shop, and an American named Pih-chau, (Burchaw,) who had bought something, and was breaking things near him, and went over to appease the parties, when, suddenly, he was set upon by about twenty armed and drunken men, who robbed and broke up his own shop, and carried off a man named Ho Fah from the shop as their prisoner.

"The sub-prefect immediately informed the American consul, Mr. Irwin, that he might take prompt measures to restrain such proceedings, and liberate the man and punish his captors; and then went himself to the ward to order the shop-keepers to resume their business as usual. But Mr. Irwin, after setting Ho Fah at liberty, never punished one of the foreigners who had made the disturbance, nor even examined them.

"The former American consuls at Amoy, Mr. Hyatt and Mr. Bradford, were efficient officers, who co-operated in keeping the peace; but since Mr. Irwin has taken charge, foreigners like these have not been restrained. He is an old man, unacquainted with public affairs, and these rowdies, having no respect or fear of him, go through the streets and markets armed with guns or knives, making disturbances and plundering, greatly to the detriment of all orderly traders."

I may observe, in reference to the above report, that when men are bold enough to go through the streets in open day, creating the utmost disturbance among the people, and plundering their shops, even going so far as to carry off a man by force, and showing utter disregard of the law, the consul is bound to take measures to punish delinquents as a warning to others. But in this instance Mr. Irwin simply had the man Ho Fah released, and never tried or punished one of the foreigners who had caused the disturbance and led to the shopmen closing their doors and suspending business, as the treaty required him to do. If severer measures are not adopted, disturbances will in future be still more difficult to

quell; and I now, therefore, inform your excellency of the governor's report, so that you may enjoin on Mr. Irwin to arrest and try these men who created disturbance, and by no means to let them off without adequate punishment. As this is important, I now send this communication.

H. E. S. WELLS WILLIAMS,
Chargé d'Affaires of the United States.

C.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, September 28, 1865.

SIR: I have the honor to acknowledge your highness's despatch of the 25th instant, in which you inform me "that the governor of Fuhkien complains that, when in Amoy, an American named Pih-chau attacked a Chinese named Ho Chu-lau, on the 17th of last July, for interfering to prevent a row, and with twenty armed and drunken foreigners robbed his shop and carried off Ho Fah, one of his assistants, as their prisoner; and that when the sub-prefect informed Mr. Irwin, the American consul, of the case, he merely had Ho Fah set at liberty, but never examined or punished one of the foreigners who had caused the disturbance; and, lastly, that Mr. Irwin is an old man, ignorant of public business, one whom the foreigners do not at all fear or respect, so that by their excesses the trade of the port is much interfered with," &c., &c.

On perusing this despatch it occurred to me that when Mr. Bradford was consul at Amoy the number of foreigners there who had no employment was small, while, since the recapture of Chang-chau from the rebels, a large number of such men have been skulking about in that region. It is not, therefore, because Mr. Irwin is now consul that they have no respect for the office and do not fear him. But why need the governor of Fuhkien, in speaking of the affairs of Amoy and that it was desirable that they should be conducted according to treaty stipulations, go out of his way to remark that "Consul Irwin is an old man, who is ignorant of public business?" Such remarks injure the good will and courtesy which should ever be maintained.

That foreigners should be going about with arms, robbing in open day, and making prisoners of shopmen, as the despatch under reply mentions has been done in Amoy, showing that they have no fear of law, and yet none of them be arrested or punished, cannot be suffered. I will inquire into the particulars of the affair, and as soon as I learn the true facts respecting it I will further inform your highness.

I have the honor to be, sir, your highness's obedient servant,
S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c., &c., &c.*

Mr. G. F. Seward to Mr. Burlingame.

STATEMENT OF THE NEEDS OF THE UNITED STATES CONSULATES IN CHINA.

UNITED STATES CONSULATE GENERAL,
Shanghai, September 16, 1865.

SIR: I had at first intended to send a statement, similar to the one I now address to you, to the Secretary of State. The matter is one in which you expressed much interest when we were consulting about it here, and it was concluded that I should hand the statement to you, and that you should bring it to notice in the appropriate quarters. Such course I find to be the more desirable since my time will allow me to do no more than offer a summary of what I wish to say, and since many things may be explained by you, or urged by you with greater force than by me. If, moreover, this may be considered as an acknowledgment of the interest which you have heretofore taken in consular matters in China, and of the consideration which you have extended to the consuls, it will serve another purpose which will be gratifying to me.

The statement is designed to point out what appropriations by the government are needed *immediately* in order that the consulates may be made comparatively effective. It is offered with some degree of confidence as founded upon my experience in Shanghai for four years, two as consul and two as consul general.

In the outset I will touch upon the inadequacy of existing provisions, and upon the basis of my recommendations. I will then offer my recommendations, successively, concerning the appropriations needed for consuls, for clerks, for interpreters, for jails, and for offices.

Remarks concerning the inadequacy of existing provisions.

1st. In 1856 there were five ports in China at which foreigners were at liberty to reside and to carry on trade. Congress in that year made certain provisions for the salaries of consuls, and in 1860 certain provisions for jails and marshals at those ports, as shown in table No. 1, appended.

2d. Meanwhile, the progress of foreign commerce has been very marked. As an illustration it may be noted that there are now seventeen open ports, and that foreigners have access, under a system of passports, to all parts of the empire. In 1856 the value of the trade of Shanghai (exclusive of opium) was $28,056,586 94; in 1864, $70,411,865, and the trade at this port, as that of a commercial centre, indicates fairly the general tendency.

3d. Since 1860 the provision for one of the old ports, Ningpo, has been taken away, and salaried consuls provided for two other ports, Swatow and Chinkiang.

Nothing more has been done, excepting that the appropriations for interpreters, &c., have been shifted around according to the exigencies of the service. The provisions as they now stand are shown in table No. 2.

4th. Starting with the assumption that the original provisions were judiciously made, it remains only to compare tables Nos. 1 and 2, to enforce the conclusion that existing appropriations are unsatisfactory and inadequate.

This demonstation of a very important point is perhaps as clear as I could make it by entering into an array of statistics. If such be wanted, the archives of the State Department will be found to contain them in an available form.

Remarks concerning the basis of the recommendations about to be made.

5th. Without expressing a high degree of admiration for the schedule of 1856, I may say that it is at all events valuable as indicating the rate of pay which has been given heretofore to the consuls in China.

That this is not too high, I might bring a mass of evidence to show; but the simple fact that at such rate the government has had difficulty in keeping the consulates filled, will be more suggestive than anything else which can be offered. Of the four consuls sent to China at the beginning of Mr. Lincoln's administration, I was the only one who found a regular officer to relieve, and, of the four, I am the only one who has remained here. I shall not, therefore, enter into any statement of the peculiar duties of consuls in China, or of the high rates of living and other expenses here, or of the nature of the climate at the ports, points concerning which, moreover, if it shall be necessary, you will be able to speak with all requisite force.

6th. There are certain anomalies, however, in the original schedule which I propose to avoid. Thus, this may be laid down as a certainty, that a consulate in China without the means of communication with the Chinese, or without a bailiff to execute the orders of the court, or a lockup for offenders, is an absurdity. It is because we have had too many such consulates that we have found the evil-doers in China patronizing the American name. I propose, therefore, to avoid leaving any of the offices without the means of communication with the Chinese, or without constables and lockups, as was done under the schedule of 1856. And I propose, also, to adapt means to the ends to be accomplished better than was done in that schedule. Thus it was not exactly logical to supply some of the offices, each with a marshal at $1,000 a year, and a jail at $600, allowing only $800 for wages of jail-keeper and cost of providing for prisoners; which is, in effect, as $600 is but fair pay for a keeper, granting $200 for the cost of providing for prisoners, against $2,200 for arresting, lodging, and watching them.

7th. With such changes as are manifestly desirable on the score of efficiency and economy, I shall, however, make my schedule simply a development of the original schedule. This I do with the object of securing more readily the assistance which is needed immediately; for I do not wish to be thought to declare that such assistance will afford us more than a *comparatively* efficient consular establishment here. There are radical faults in our system which even now are recognized and must soon be remedied.

8th. To render clear the method I have pursued in developing the original schedule, I have arranged the ports in schedule No. 2 in classes.

This arrangement indicates approximately the relative importance of the ports in a commercial point of view, but it is designed particularly to indicate the relative needs of the consulates. Thus, as commercial cities, neither Ningpo nor Chinkiang would deserve to be ranked before Kiukiang; yet, owing to circumstances of location, Ningpo as near Shanghai and a favorite resort for bad characters, and Chinkiang as the lowermost port of the Yangtze river, they need more effective consular establishments. I may remark that I have omitted entirely five ports, which are yet of too inconsiderable importance to warrant the recommendation of any expenditure on their account. This brings me to

Remarks concerning the appropriations needed for the salaries of chief consular officers.

9th. For the salary of the consul general at Shanghai should be appropriated $7,500. The justice of this recommendation may be seen, partially, by a comparison of the commercial importance of the port with that of various other leading ports of the world, as in-

dicated so far as concerns us now, with some degree of accuracy in the consular reports of the arrivals of American vessels. The following is prepared from the book of commercial relations for 1862, showing the arrivals for the year ended September 30, 1862:

At Shanghai	771 vessels.
At Calcutta	108 vessels.
At Havre	181 vessels.
At Havana	595 vessels.
At Rio Janeiro	156 vessels.
At London	No report.
At Liverpool	789 vessels.

The salaries given are: At Shanghai, $4,000; at Calcutta, $5,000; at Havre, Havana, and Rio Janeiro, $6,000; at London and Liverpool, $7,500. In this connection I have to remind you of a letter from the merchants of Shanghai transmitted by you to the Department of State in 1863.

10th. My recommendations for the ports of classes 2 and 3 are, for the former $4,000, and for the latter $3,000 a year. This is so manifestly fair, having in view the old schedule, that it is not necessary to offer any remarks.

11th. For the ports of class 4 we should hardly be able to secure salaried officers, who would be likely to be useful and permanent, at a less rate of pay than I have recommended for the consuls of class 3. Under existing circumstances, so great an outlay would not be desirable. I should therefore recommend the government to trust to merchant consuls at those points for the present, granting to them, however, a certain amount of assistance which will be pointed out further on, (vide paragraphs 16 and 21.)

Remarks concerning appropriations for consular clerks.

12th. I may remark that my recommendations do not contemplate the appointment of special clerks for China, and that I shall leave in your hands the very important subject of the appointment of student interpreters. An allotment, for immediate service in China, of three of the thirteen clerks already provided for by Congress, might not be considered excessive, and if such allotment should be made, the disposal of them might justly be made as shown in the schedule. The assistance which may be received from the interpreters at the ports of class 2, (vide paragraph 14,) will perhaps suffice for a few years yet, and at the ports of class 3 there is hardly sufficient work to be done beyond the abilities of the principal officers to render it necessary to allow clerks. Lest there may stand an appearance of selfishness in my recommendation, I again call your attention to the letter referred to in paragraph 9.

Remarks concerning the appropriations needed for interpreters and cost of interpretations.

13th. For the salary of the interpreter at Shanghai I recommend the appropriation of $2,500. His duties are extensive and difficult. You are aware that he acts as an assessor in the Chinese courts in cases where citizens of the United States are concerned in actions, civil or criminal, against Chinese. By local regulations, his dissent from the judgment of the magistrate gives the complainant the right of appeal, and the dissent of the consul in the higher court gives the right of appeal again to the high authorities at Peking.

The interpreter now sits with the magistrate twice each week, and usually a large portion of the day is thus consumed. It is his duty also to conduct preliminary examinations in cases of complaints made by Chinese against our own people. He must attend the court on trial of like cases, and whenever there are native witnesses to be examined. All these duties, in addition to those of conducting the correspondence with the native officials, quite fill up the time of the present excellent officer. The manner in which such work shall be performed will always go far to determine the nature of our relations with the authorities.

14th. At the ports of class 2 I recommend that provisions should be made for commissioned interpreters at the old rate of $1,500 a year each. The time and services of these interpreters should be considered as belonging to the government, and they should be instructed to assist the chief consular officer in such duties as he may assign to them. In case of the sickness or absence of the chief officer, they should assume charge of the consulate until the receipt of instructions from the consul general. With such duties the above rate of pay may be considered as the very lowest which should be given.

15th. For the ports of class 3, it is hardly necessary to appoint full salaried interpreters, and the course which I recommend is to fix specific allowances for the cost of interpretations, which may be drawn against by the several consuls as may be necessary. I have estimated that $750 a year for each port would suffice. So much might not in fact be required, but I think that the scale may very well be fixed according to my recommendation. The accounts of the consuls would be liable to be checked in this office, and, of course, to audit at the treasury. Disproportioned outlays would very readily point out abuses.

16th. For the ports of class 4 I recommend the allowance of $500, under this head in each case. The foregoing remarks, *mutatis mutandis*, will also apply here. It may be questioned whether an allowance for an interpreter should be granted to a merchant consul, and such

course is certainly not sanctioned by the custom in other countries. But a very exceptional state of affairs exists here. A consul in China who has anything at all to do will find it necessary to communicate with the native authorities. These officials are numerous, and talk and write excessively. A merchant consul must have a degree of patience to listen to them at all, and a still greater degree of disinterested benevolence to pay out of his own funds for all the talk and writing about matters which do not concern him as an individual, but which, not unfrequently, may merit his careful attention as a consul. I think, therefore, that you will approve this recommendation.

Remarks concerning appropriations needed to defray expenses for constables and care of offenders in China.

17th. It seems desirable to make the appropriations for constables, for rentals of jails, for care of offenders, &c., under one general head, rather than to divide them as heretofore into unwieldy parts. The consuls may then draw against their several allotments for such purposes of the kind, and to such extent as may prove to be necessary.

18th. In this way one source of expense will be done away with—the marshals. The only useful men of the kind who have been appointed heretofore have been selected on the spot. The persons who have been sent from home at much expense have either found the service distasteful, or proven unfit for its peculiar duties. The amounts given to such officers would, under the arrangement I propose, defray the total expense for constables, &c., likely to be incurred at the respective ports, excepting Shanghai, to which they are now allotted.

19th. I recommend the establishment of a general prison for United States convicts in China, at Shanghai. Such prison would be more economical, relatively, and more secure, than the petty jails which must otherwise be established. This would be true for obvious reasons. Shanghai seems to be the appropriate point for it, as it is central and in more frequent communication with the other ports.

20th. The amount required to support the general prison would be, say, $10,000 a year, to cover rental, hire of keepers, transportation of prisoners, cost of food, fuel, clothing, medical attendance, &c. That this large sum is not excessive will be indicated by my statement that for the year ended 30th June last, the expense of the jail in use at this port, not including marshal's salary, was $4,066 94. The number of prisoners in a general prison would probably range from 50 to 100. The rental might be set down at $2,000 a year, and the wages of keepers at $2,000 more, leaving, say, $6,000 to defray general expenses and cost of transporting of prisoners. The latter outlays should be paid here on the certificates of the consuls sending them forward.

21st. At most of the ports it would not be found necessary to rent and support special jails, as those of other nationalities might be used for the temporary confinement of criminals. For each of the ports of class 2, $1,000; for those of class 3, $750; and for those of class 4, $500 a year would probably cover necessary expenses. It may be readily determined from year to year whether such allowances will be satisfactory.

Remarks concerning appropriations needed to defray expenses for rentals of offices.

22d. My recommendation is to allow an amount, not to exceed ten per centum, on the salaries of all the commissioned officers in each office. I think this will accord with the spirit of the act of 1856, (vide section 22d.) In commercial consulates the consul and one or two clerks, perhaps, compose the whole force of the establishment. Here, where the chief officer is to be accomodated, and an interpreter, and a constable, and perhaps one or more clerks, and actions at law are to be heard, roomy offices are very essential.

Remarks in review.

23d. The total amount of my recommendations for all branches of the consular establishment in China is $68,650, or an average for twelve ports of $5,720 83. The amount of the original appropriations for the five ports was $33,350, or an average of $6,670.

I think, therefore, that I may claim that my schedule looks to a comparatively economical establishment. It may be additional evidence on this point to state the fact that the cost of the British consular establishment at this port alone is at least $75,000 per year, or more than the outlay which I recommend for all China.

24th. I might leave my subject here, but I wish to add a word upon a point which should be spoken of in season and out of season. I mean the practice which has heretofore periodically ejected from the consulates the men who have been in them just long enough, perhaps, to understand fairly the duties of their positions. I would be glad to have Congress secure the opinion upon this head of the Fifth Auditor of the Treasury, who has charge of the greater portion of the consular accounts. It may be suggestive to learn from him how many consuls make up their accounts in a fairly satisfactory form, and of such how long they were in learning this elementary part of their work. He may, also, perhaps, state approximately the average term for which consuls remain in office.

And if it be the case, as I think it will be found, that but very few of the consuls manage this part of their work satisfactorily, a very pertinent commentary is afforded regarding the manner in which they are likely to manage their duties of a more responsible character.

25th. But if it be desirable to have experienced consular officers generally, how much more are they needed in countries where the United States holds an intercurrent jurisdiction? If it should be said that our government has planted in China, for instance, several colonies, our people would apprehend the significance of the statement. This is, in effect, what has been done, and yet the machinery of government which has been provided has been given without a full appreciation of the fact. And a more intricate system than the one which has grown up can hardly be imagined. Here are colonies, so to speak, of at least a dozen different powers, each with its own code and corps of officers. Out of the intercourse between these and of all with the imperial authorities often grow questions which might test the abilities of the most clear-headed jurist, and which certainly do try the good nature and good sense of those who have to deal with them.

26th. I have not spoken concerning the need of officers familiar with the language of the country. You have taken up the point in your excellent recommendations concerning a college at Peking, and it is not necessary for me to add anything except in the tenor of the foregoing remarks. Is a man so educated likely to enter the service, or to remain in it, when, after perfecting himself in its duties, some stranger may at any moment usurp the place which should fall to him? To some not dependent upon the service, and certain, at least, of acquiring in it valuable experience, and, perhaps, rapid promotion, or urged by a desire to be useful to their country, this very disorganization may have its recommendations, but this will not be the case with many. Indeed, I have found it difficult to secure intelligent men as assistants in my own office, or to supply vacant consulates, for the reason that the service holds out no inducements except for the passing moment.

27th. And this want of permanency works ill effects again, since it creates a jealousy of the consular service, which is regarded as a state institution for the benefit of peculiar classes instead of a necessary arm of the government. So it happens that Congress, in handling the consular appropriation bills, dwells over them in a petty spirit not exhibited toward any other branch of the government.

With these brief remarks, submitted in the hope that they may be of use, at a moment when our country is entering upon a new commercial era in which our consulates must take a higher place, I remain, sir, your obedient servant,

GEORGE F. SEWARD.

Hon. ANSON BURLINGAME, *Boston, Mass.*

TABLE No. 1.—*Appropriations of* 1856 *and* 1860.

Port.	Salary of consul.	Salary of interpretor.	Salary of marshal.	Expense of jail, &c.	Office rent.	Total.
Canton	$4,000	$1,500	$1,000	$1,400	$400	$8,300
Shanghai	4,000	1,500	1,000	1,400	400	8,300
Foochow	3,500	1,500	1,000	1,400	350	7,750
Amoy	3,000	.....	1,000	1,400	300	5,700
Ningpo	3,000	.....	.....	.....	300	3,300
Total	17,500	4,500	4,000	5,600	1,750	33,350

TABLE No. 2.—*Present appropriations.*

Class and port.	Salary of consul.	Salary of interpreter.	Salary of marshal.	Expense of jail, &c.	Office rent.	Total.
1. Shanghai	$4,000	$1,500	$1,000	$1,400	$400	$8,300
2. Hankow	.....	.....	1,000	1,400	.....	2,400
Foochow	3,500	.....	1,000	.....	350	4,850
Canton	4,000	1,500	1,000	1,400	400	8,300
3. Ningpo	.....	.....	.....	.....	.....	.....
Swatow	3,500	.....	.....	.....	350	3,850
Chinkiang	3,000	.....	.....	.....	300	3,300
Amoy	3,000	1,500	.....	1,400	300	6,200
Kiukiang	.....	.....	.....	.....	.....	.....
Tien-tsin	.....	.....	.....	.....	.....	.....
Newchwang	.....	.....	.....	.....	.....	.....
Chefoo	.....	.....	.....	.....	.....	.....
Total	21,000	4,500	4,000	5,600	2,100	37,200

TABLE No. 3.—*Appropriations recommended.*

Class and port.	Salary of consul.	Salary of consular clerks.	Salary of interpreter, or cost of interpretations.	Judicial expenses, general jail, lock-up, constables, &c.	Office rent.	Total.
1. Shanghai	$7,500	$3,000	$2,500	$10,000	$1,300	$24,300
2. Hankow	4,000	.....	1,500	1,000	550	7,050
Foochow	4,000	.....	1,500	1,000	550	7,050
Canton	4,000	.....	1,500	1,000	550	7,050
3. Ningpo	3,000	.....	750	750	300	4,800
Swatow	3,000	.....	750	750	300	4,800
Chinkiang	3,000	.....	750	750	300	4,800
Amoy	3,000	.....	750	750	300	4,800
4. Kiukiang	.....	.....	500	500	.....	1,000
Tien-tsin	.....	.....	500	500	.....	1,000
Newchwang	.....	.....	500	500	.....	1,000
Chefoo	.....	.....	500	500	.....	1,000
Total	31,500	3,000	12,000	18,000	4,150	68,650

Mr. Williams to Mr. Seward.

No. 14.] LEGATION OF THE UNITED STATES,
Peking, November 6, 1865.

SIR: I have the honor to send you a translation of an edict which appeared recently in the Peking Gazette, that more fully sets forth the sense of the stipulations in the recent treaties, respecting the propagation of Christianity in the empire, as held by the imperial government, than anything it has issued since those treaties were signed. The wording of the edict does not confine the admission as to the right to disseminate their doctrines to the Roman Catholics; it is likewise applicable to Protestants, to Greeks, and all branches of the Catholic church. On these grounds, as well as exhibiting the feelings of this government, its perusal cannot fail to interest you.

The occurrences referred to in the memorial have been briefly narrated to me by M. Bellonet, the French chargé d'affaires, and serve to render the admissions made in the edict more significant. About a year ago the Christians residing in the small prefecture of Yu-yang, lying in the southeastern part of Szchuen province, along the northern bank of the Yangtse river, were much disturbed by their pagan countrymen. It does not clearly appear what causes led to this opposition; but it is alleged, among other things, that the latter were incited by an officer of rank, who had been degraded in the adjoining province of Kweichau for having been concerned in the death of a French missionary three years ago. (See Diplomatic Correspondence for 1863, p. 939.) It is said now that, instead of being really sent away, he had been allowed to tarry on his journey, and had remained in this region, where he had prejudiced the gentry against the Christians.

However, the excitement ran so high against them in November last that their chapel was burned, the sacristan killed, and the missionary, M. Errol, fled to a native friend in another village, who sheltered him for a few days. Being traced to this place, he then applied to a military officer for protection; but the friendly villager who had received him was killed by the pursuers. He finally got away when the excitement subsided, and the Christians were unmolested for several months.

Last summer the French bishop of this part of Szchuen sent another priest, named M. Mabileau, to Yu-yang-chau; but no sooner had his arrival there become known than the opposition revived, and in an endeavor to appease the evil-

disposed natives, and defend some of his own converts, he lost his life, and his body was treated with indignity.

The tone of this edict and the circumstances attending its publication indicate a desire on the part of the imperial government to restrain such acts of violence against the converts; but how far it will be able to punish criminals and preserve the peace depends much on the behavior of the Christians, the disposition of the local authorities, and other causes which cannot be immediately controlled. In this region no ill-will is apparent against the native Christians of any sect; and it is difficult to decide, with the imperfect knowledge I have of this affair in Szchuen, what views to take of the bearings of it.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Peking Gazette, October 20, 1865.]

An imperial command.

The foreign office has sent up a memorial stating that a Roman Catholic missionary has been killed by our subjects in the department of Yu-yang, and that some houses belonging to the Christians have also been plundered and burned; and requesting that severe measures be taken to punish the offenders. As evidence of this, the following communication has been received from the French chargé d'affaires:

"In the department of Yu-yang, in the southeastern part of Szchuen, a man named Fung Szyin, with several others, have burned and destroyed the houses of the Christians in a village near the city of that name, and also robbed them of their property. Another man, named Fung Wan-yuen, had led on a mob and destroyed their chapel, and beaten the sacristan, Ho Kwei, so that he died. The local magistrate having delayed to investigate this affair and punish the criminals, they went even further, and robbed the missionary, M. Mabileau, of all his property, wounded and killed him, and then threw his body into the river. A garbled report of this affair had been sent up, saying that certain fellows had gone into the chapel, where they had high words with the man, and proceeded to throw stones, by which he was killed. It was also reported that the prefect had invited Fung Szyin and others to his office, to a feast, and there consulted how they could best destroy all evidences of the transaction."

Now, as it is allowed in the treaties for missionaries to propagate their faith in the empire, if difficulties arise between them and others, or cases come into our courts, it is only right that justice and equity be observed in settling them, treating natives and foreigners alike, whether they are Christians or not. In this way alone can the minds of all parties be calmed and satisfied. If the circumstances mentioned in this memorial are correctly stated, it is very necessary that the case be immediately examined into and settled justly, in order to act impartially towards all. Let Tsungshih and Loh Ping-chang, the commandant and governor-general of Szchuen, truthfully inquire into the facts of the case and settle it immediately. Let Fung Szyin, Chang Pei-chu, and Sung Wan-Siuen, and all others who have been complained of, be arrested for trial and punished. Let there be no remissness or collusion. Let these same officers also dismiss the prefect of Yu-yang from his post, for having delayed and misrepresented this case, and let them go to the place themselves to learn the facts. Respect this.

Mr. Williams to Mr. Seward.

No. 16.] LEGATION OF THE UNITED STATES,
Peking, November 23, 1865.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 147 to 150, and 152, No. 151 not having arrived. In reference to the translation of Wheaton's International Law, whose receipt you speak of in Nos. 147 and 149, you will doubtless be gratified to learn that it has been received with so much favor in Japan that copies could not be sent on in time to supply the

demand at Yokohama, and an enterprising publisher in Yeddo has reprinted it. An authentic study of this work by the officials in both China and Japan will probably lead them to endeavor to apply its usages and principles to their intercourse with foreign countries. This will gradually lead them to see how greatly the principle of exterritoriality contained in their treaties with those countries modifies the usages in force between western and Christian powers. How desirable it is that the latter should aim rather to elevate these eastern peoples to their own level than to urge this principle of exterritoriality to the subversion of the native sway.

A notification of the appointment of Seu-ki-yu to a port in the foreign office, and disconnected from other bureaus, has just appeared, and is regarded as a favorable indication of the leaning of the party in power towards foreign intercourse. This man, now about seventy years of age, was governor of Fuhkien province in 1850, and had held subordinate positions there and in Kwantung province for several years, during which time he became much interested in foreign countries, and collected materials for a geography of the world. He consulted all the books and maps he could procure, but especially all the foreigners he could converse with, among whom was the late Rev. Doctor Abeel, missionary at Amoy in 1844.

His geography was published in 1848, in ten books, under the title of A General Survey of the Maritime Circuit, and attracted much attention among natives and foreigners.

His eulogy on Washington made that name known among the Chinese, and it may interest you to know that a copy of it is engraved on the stone sent from Ningpo, ten years ago, to the Washington Monument.

But the author was in advance of his time. He was soon after denounced for his foreign proclivities and the high terms in which he spoke of western nations, degraded from all his honors in July, 1851, and sent to his home in the north of Shansi. After fourteen years he is now recalled to public life on the same grounds for which he was dismissed.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Burlingame to Mr. Seward.

No. 116.] WASHINGTON, *December* 1, 1865.

SIR: I enclose for your consideration a publication from a Boston newspaper, over the signature of John Humphrey, on the subject of pirates in the Chinese waters. With the opinions and sentiments of the article I partially concur, and I suggest that the subject be brought to the attention of the Navy Department, with a view that, if necessary, special orders in regard to it may be given to the commander of our squadron in that quarter.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A Fleet in the China Seas.

AMOY, *September* 21, 1865.

Now that the government of the United States has succeeded in putting down the rebellion in the southern States, it is to be hoped it will organize a fleet for the China seas at once, not

to lie about in the different ports in China, but with orders to search for and destroy the *pirates* infesting those seas. Within the last two years pirates have increased alarmingly, and at present you can hardly take up a Hong-Kong daily paper without seeing an account of a piracy committed or an attempt to commit one. I enclose a slip from the Hong-Kong Daily Press, giving an account of one attempt.

If a murder is committed on the land, rewards are offered and all the machinery of the government is set at work to apprehend the murderer, but although murder is committed by wholesale on the China seas, no notice appears to be taken of it. The accounts I have read in the Hong-Kong papers are horrible. Sometimes the crews are tortured before being butchered. Sometimes their heads cut off at once, and in one case they were lashed to the ship and the ship set on fire. It is probable that many of the missing ships, supposed to have foundered in typhoons on the coast of China, have been destroyed by pirates and their crews murdered in cold blood.

It is very mortifying to an American to be told by an Englishman, "You are indebted to the British government for what protection you have on the coast of China." It is true, nevertheless. There is not an open port on the coast of China in which you will not find an English gunboat. What little is done towards suppressing piracy is done by them. After the pirates are taken (as they sometimes are by the English gunboats) it is very hard to get them condemned, as, of course, they are not taken in the act, and there is very little evidence againt them. I think the proper way would be to have a few small fast barks, heavily manned and armed and disguised as merchantmen, attached to the fleet. Let these cruise up and down the coast and allow themselves to be attacked, then you have proof positive of guilt, and I say hang the pirates at the yard-arm without judge or jury. I think all Christian nations should join forces to exterminate these pests of the seas.

By drawing public attention to this subject, you will confer a favor on all those "who go down to the sea in ships," and especially those who navigate the Chinese waters.

Yours, respectfully,

JOHN HUMPHREY,
Master American barque Wild Gazelle.

The EDITORS OF THE BOSTON DAILY ADVERTISER.

Mr. Seward to Mr. Burlingame.

No. 156.] DEPARTMENT OF STATE,
Washington, December 15, 1865.

SIR: The harmonious condition of the relations between the United States and China, and the importance of the commerce between them, would make it agreeable to this government to receive from the Emperor a diplomatic representative of a grade corresponding with your own. It is true that this would be a novel, if not an unprecedented step, on the part of that government. As treaties, however, have for many years been in force between China and Christian nations; and as the empire may now be disposed to respect the obligations of public law, it strikes us that the Emperor's government would be consulting their own interest, and would also be reciprocating that which, to a degree, at least, is a courtesy on our part, by having a diplomatic agent here, whose province it would be to see that our obligations toward China, under the treaties and law of nations, are fulfilled, and who might report to his government upon that and other interesting topics. China also may be said to have special reasons for the measure in respect to the United States, as her subjects are so numerous in this country, particularly in California. You will consequently bring this matter to the attention of that government, and may say that, if the suggestion should be adopted, it would be peculiarly gratifying to the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 19.] LEGATION OF THE UNITED STATES,
Peking, December 26, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch No. 151, in which you direct me to convey to Prince Kung and the members of the Foreign Office the satisfaction of the President at the very just, liberal, and friendly sentiments expressed by them to Mr. Burlingame, and for their courtesy to him at his departure.

I took an early opportunity to make a close translation of your letter for the Prince, and now subjoin his reply. I have no reason to doubt the expression of his desire to perpetuate amicable relations with the United States, for I believe the Chinese government is trying to pursue a peaceful policy in all its foreign relations. It has experienced the evils of foreign war, and has every reason to avoid their recurrence; and the pacification of the provinces is now progressing so favorably that general peace and prosperity bid fair to be restored throughout the country. The influence of the party represented in the foreign office appears to be increasing; and that bureau will probably ere long possess a separate existence among the departments of the government.

In a recent despatch I mentioned the appointment of the distinguished geographer, Seu Ki-yu, to a place in it. This has given much satisfaction to all the foreign ministers, though his age and infirmities will prevent his taking an active part in the duties of the post. A few days after his being gazetted I waived the usual formality and called on him first, in order to express my gratification at his appointment. His first question was, "Are you a countryman of Washington?" He inquired after Dr. Abeel, though twenty years had elapsed since he saw him in Amoy, and referred to his kindness and patience in explaining and marking maps for him and translating geographical information, in a manner that showed a vigorous memory, as well as the sense of the obligations he was under for the assistance. He had not seen a foreigner since 1851, and made many inquiries respecting the United States and other countries.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Prince Kung to Mr. Williams.

[Translation.]

DECEMBER 21, 1865, (*Tungchi, 4th year, 11th moon, 4th day.*)

Prince Kung, Chief Secretary of State for foreign affairs, herewith makes a reply:

I have the honor to acknowledge your excellency's despatch of the 13th instant, in which you inform me that you have been honored with the commands of your government to make known to me that Mr. Burlingame, on his return to the United States, at an audience with the President, had mentioned to him that when he left Peking the high Chinese officers came to the legation to bid him farewell; and that during his entire residence there they had treated him with great consideration, of which he retained a pleasing remembrance, &c., &c.

The perusal of your communication has given great satisfaction to me and all the members of the foreign office, for we are well aware that when Mr. Burlingame resided in Peking he conducted all affairs that arose in such an amicable spirit that they were all satisfactorily arranged; and since you have succeeded to his duties there has been exhibited the most sincere desire to promote good relations and maintain peace in every question that has arisen. To learn, therefore, that Mr. Burlingame has not altogether forgotten us after his return to his own distant country, affords us the most lively pleasure; while to receive, in addition, the full assurance that the friendly relations now subsisting between the United States and

China are increasing and developing, and bid fair to be permanent, is to us a cause of still greater gratification.

We limit ourselves to the request that you will convey to the United States government the expression of our sincere appreciation of the remark that the full maintenance of the treaty, in all its provisions, by both nations, will afford evidence that their friendly relations are constantly strengthening, and at the same time communicate our thanks to Mr. Burlingame for his remembrance of us. It is for this purpose that we now reply.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

Mr. Williams to Mr. Seward.

No. 20.] LEGATION OF THE UNITED STATES.
Peking, January 6, 1866.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 1 and 2. In reference to the directions given in the latter, I only observe that no application for pardon or return to the United States has been made to this legation by any rebel; and so far as I know, there is no American now living in China who has personally aided the rebellion.

The foreign community in Shanghai are now engaged in revising the code of municipal regulations under which they have lived during the last ten years, a copy of which is in Mr. McLane's despatch No. 8, pp. 125, 159, &c. They have not yet agreed upon all points, and will forward the amended code to Peking for examination and approval before acting upon it; but even then it will not extend over the entire foreign population there, as the French have a separate council. At present two separate municipal councils manage the affairs and maintain order among the inhabitants dwelling in two conterminous plots of land, known as the foreign settlement. The original dimensions of both these "concessions," as they were first called, have been extended as the foreign population has increased, and great numbers of natives also live within their limits. The desirableness of doing away with the name and existence of separate foreign concessions in China is now generally admitted; and nowhere more than at Shanghai, where such great interests are involved, is general harmony of administration important.

I am happy to inform you that the new British minister, Sir Rutherford Alcock, expresses his desire to carry out the same co-operative policy which has been already agreed upon and fully explained by Mr. Burlingame. (Despatches Nos. 37, 42, 69, 79, and 83.) Sir Rutherford Alcock's official life of twenty years in China and Japan has given him large experience; and he specially now desires to see the Shanghai community extricated from all its difficulties. All minor points of dispute could be adjusted if the two settlements were merged in one, and the interests of each nation adequately represented in one general municipality. He met a deputation of the residents on his way north, and learned their views upon the proposed changes in the code of regulations. In order to carry them into effect, and if possible to consolidate the municipal arrangements, he has suggested to his own government the desirableness of putting itself in communication with those of France and the United States, in order to come to an agreement on this question of local jurisdiction, and do away with the semblance of territorial authority. I told him that I cordially concurred in the suggestion, and would advise you immediately of the proposal. It appears to me to be an excellent plan, and I hope that you will find it practicable. The object is a very important one, and this seems to be the likeliest mode of attaining it; while the time is peculiarly favorable owing to the presence in Paris of Mr. Berthemy, (now home on leave from Peking,) and of Mr. Burlingame and Sir F. Bruce in the United States. I

would therefore respectfully urge it upon your attention. If the principle be settled in regard to Shanghai, every other community like that in China and Japan will no doubt regulate itself on the same basis.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Burlingame.

No. 159.] DEPARTMENT OF STATE,
Washington, January 29, 1866.

SIR: I enclose for your information a copy of Mr. Adams's despatch,* No. 1126, of the 4th of January, and its accompaniments, relative to the disposition of the Osborne flotilla, it being a reply to my instructions to him upon that subject, in compliance with your suggestion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

[Extract.]

No. 23] LEGATION OF THE UNITED STATES,
Peking, January 31, 1866.

SIR: * * * * *

I have just been informed by Mr. Vlangaly, the Russian minister, that the Chinese government has extended to Russian ships trading between its open ports and the Russian possessions on the Amoor the same privileges in respect to the payment of tonnage dues that have been granted to vessels trading to Japan and Saigon, as mentioned in my despatch (No. 8) of October 5, 1865. The same privilege enures to American as well as other vessels trading between China and the Amoor.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Williams.

No. 23.] DEPARTMENT OF STATE,
Washington, February 21, 1866.

SIR: I transmit a copy of a note† of the 16th instant, from the Hon. Sir F. W. A. Bruce, the British minister accredited to this government, proposing co-operative measures for the suppression of piracy in Chinese waters.

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* For enclosure see correspondence with Great Britain.
† For enclosure see correspondence with the British legation.

You are expected to lend your ready co-operation in all temperate and proper representations on the part of the representatives of her Majesty's government, and those of other western powers in China, to induce the Chinese authorities to fulfil their obligations in that respect.

The honorable the Secretary of the Navy will instruct the naval officer in command of the United States squadron to confer with yourself, and with the officer in command of her Britannic Majesty's naval forces in that quarter, with the view to the adoption of such measures as may in your judgment, and that of our chief naval officer, be consistent with our relations to all of the parties concerned.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Williams.

No. 24.] DEPARTMENT OF STATE,
Washington, February 24, 1866.

SIR: I transmit to you a copy of a note of the 21st instant, which has been addressed to this department by Mr. De Figaniere é Morao, the diplomatic representative of Portugal, accredited to this government, who has been directed by his government to ask the co-operation of the United States minister at Peking, with that of the Portuguese minister at that place, in bringing to a satisfactory conclusion any negotiations now pending or which may arise between Portugal and China.

You are accordingly instructed to lend such assistance as may be in your power, in order to accomplish the desired result.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

[Translation.]

HIS MOST FAITHFUL MAJESTY'S LEGATION,
In Charlestown, Massachusetts, February 21, 1866.

SIR: I am directed by his Majesty's government to have the honor to inform you that untoward circumstances have hitherto prevented the exchange of the ratifications of the treaty negotiated and signed at Tien-Sing, on the 13th of August, 1862, between Portugal and China; that being fully aware of the efficiency of the influence and good offices of the American minister at Peking to bring that negotiation, or any other that supervening circumstances might require, to a satisfactory conclusion; and that gratefully remembering the services rendered and acknowledged on a like occasion by minister Townsend Harris, at Yeddo, Japan, his Majesty's government does not hesitate to apply to the United States government and request it would be pleased so to instruct its said minister in Peking, that, with the assurance of his effective assistance, the minister of Portugal in that empire may prosecute the negotiations intrusted to him with the persistency required in diplomatic dealings with the Chinese government.

I shall be happy, sir, to assure my government that its request has had a favorable response, and beg you to accept the renewed assurances of my great consideration.

DE FIGANIERE É MORAO.

Mr. Burlingame to Mr. Seward.

No. 117.] NEW YORK, *February* 28, 1866.

SIR: Agreeably to your request, I send, on leaving, a brief memorandum of suggestions relating to China.

I hope you will see that Consul General Seward's letter to me, now with Mr. Chew, shall receive due consideration; that the college bill, so important, now in Mr. Raymond's hands, shall not be forgotten; that the question of a legation presented in my despatch No. 25 may go to Congress; that your wise suggestion, that a war vessel shall be tendered to the first representative sent by the Chinese to this government shall have fruition; and that a sufficient force may be sent to the Chinese waters to perform our part in suppressing piracy.

One flag-ship of large tonnage, with five swift vessels like the "Winooski," should, in my judgment, be placed at once on the Chinese station. This force will be small as compared with that of France and Great Britain.

I beg you to request that officers of the highest standing may be sent to command them—men who will at all times be regardful of the rights and feelings of the Chinese, and who will understand the co-operative policy which is a substitution of fair diplomatic action for force.

That you may see what questions are submitted to me, I send (marked A) those of Mr. Heard, as answered by Mr. Dexter, a reputable lawyer of Boston, in relation to Chinese emigration. Now the laws of China are against emigration, but if we desire it they may be changed. I have not as yet matured my views on this subject, and only call your attention to it as one likely to require careful consideration in the future,

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Dexter to Mr. Heard.

BOSTON, *January* 31, 1866.

DEAR SIR: You inquire whether contracts with coolies, to labor for a term of years, can be so made in China by an importer of them to the United States, as to be of substantial assignable value on arrival of the coolies here. The answer to this question depends upon several considerations.

1st. Are such contracts valid under the law of the place where they are made?

2d. If not, are they so far valid under the law of the place of performance as to diminish or remove the importance of the preceding consideration?

3d. How can they be enforced in case of refusal of the coolie to perform them after arrival here?

I. I am not informed as to the laws of China respecting the validity of contracts made by its subjects in contemplation of emigration. I have understood from you that there is reason to suppose emigration to be prohibited by those laws. The general rule of law is, that a contract unlawful where made is void *ab initio*, and can be enforced nowhere. There are, however, reasons to doubt whether that rule would be applied by our own courts to the matter in question. It is a recognized exception to the latter clause of that rule that a contract lawful where made will not be enforced in another, if injurious to the interests or contrary to the policy of the state in which its enforcement is sought. I see no difference in principle between the application of this exception to the latter or former clause of the rule.

It is the settled policy of the United States to encourage emigration, as beneficent and important to the interests of the country, and I think that if the courts should be satisfied of the illegality of emigration by Chinese law, they would find little difficulty in deciding that the interest of their own country is of paramount importance, and that the legality of such contracts should depend upon the law of the place of performance. The practice of abiding by the laws of the place of contracting, in construing the contract or ascertaining its legality, is founded on the comity of civilized nations, and it seems improbable that the

courts of any self-called civilized country would consider themselves bound to recognize that comity towards China, in opposition to the interest and policy of their own government.

II. The validity of such contracts, under the law of this country, is next to be considered.

The matter of immigration is included in that class of subjects upon which the United States Congress has power to legislate under section VII, p. 4, of the Constitution, provided that such legislation is not in conflict with other constitutional provisions or with any treaty. (Smith *vs.* Turner, 7 Howard, United States Supreme Court Rep., 283.) Congress has passed various laws regulating the matter of immigration, among which are the acts of February 22, 1847, and March 3, 1849, prescribing the provisions and accommodation to be furnished on immigrant ships, and has enacted laws relating specially to coolies and to immigrants of a somewhat similar class. By the act of February 19, 1862, it is provided that no citizen or ship of the United States shall engage in transporting coolies from China or elsewhere, to any foreign place whatever, to be disposed of in any way or for any time as servants or slaves; but that this act shall not interfere with emigration of the Chinese, certified to be voluntary by the United States consul at the port of departure.

By the act of July 4, 1864, the offices of commissioner and superintendent of immigration are created, with the duty of regulating contracts made by emigrants in foreign countries, of protecting them after arrival here against imposition, and of forwarding them to their places of destination. The same act provides certain means for enforcing contracts so made, the efficiency of which will be considered hereafter.

It seems, therefore, that the voluntary emigration of Chinese to this country is directly legalized by Congress, but this legislation is subject to all treaties made by the United States, and to all provisions of the Constitution.

The treaty made with China, June 18, 1858, contains no provision bearing upon the subject under consideration, unless involved in the prohibition and clandestine, illegal, and contraband trades contained and implied in article XIV. The terms of that article, strictly construed, seem to apply only to merchandise, and to trading at closed ports; andthere can be but little doubt that any commerce which is not prohibited under a strict construction of the treaty, would be held not to come within such prohibition if found to be advantageous to the other contracting power. The recent amendment of the United States Constitution, proposed February 6, 1865, and now adopted, is a more formidable obstacle both to the validity and the enforcement of any such contract as should give to the importer a valuable and assignable title to the services of the immigrant. By that amendment it is enacted that neither slavery nor involuntary servitude, except upon conviction of crime, shall exist within the United States. This provision seems to be fatal to any means that could be devised, whether with or without the consent of the laborer, for making such a contract with him in a foreign country as should place him on arrival here in a condition of involuntary servitude or in any condition essentially different from that of a free immigrant, bound, indeed, by his contracts, but not bound in any manner or to any extent differing from that manner and extent in and to which other free men are bound by their contracts, and this enactment prevents the States from adopting any laws contrary to its provisions. I am therefore of opinion that a contract made with coolies in China, by the terms of which they should agree to place themselves after arrival here in any state or condition different from that of freemen, or by which they should covenant to submit to other remedies for the enforcement of such contract than those provided by law for enforcing contracts made by and between freemen, would be void.

III. It is undoubtedly competent for coolies or any other persons to contract for the performance of any kind of labor, for any term of years, and at any rate of wages, and such contracts are assignable unless it is otherwise stipulated.

The question next to be considered is how such contracts are to be enforced in any case of refusal or failure to perform them on the part of the coolies. There is no remedy in such cases known to the law, except an action for money damages, unless the case be such as would cause a court of equity to decree specific performance, or unless the means provided by the act of July 4, 1864, can be availed of.

With respect to a suit for money damages, it may be observed that imprisonment for nonpayment of such damages, if recovered, is now rendered practically useless in almost all of the States and actually abolished in some of them.

In actions brought upon contracts, the breach of which is in its nature capable of being compensated in money, the inability of the defendant to pay such damages as may be recovered is not a cause for the interference of a court of equity, and as the contracts in question are clearly of that description, there is no ground to hope for such interference. Moreover, if courts of equity did so interfere, they have no means but imprisonment of enforcing their decrees. Imprisonment without food would hardly be tolerated in this age and country, and imprisonment with food would probably be highly agreeable to the delinquent.

Upon examination of the act of July 4, 1864, it will be seen that the means, such as they are, therein provided for enforcing contracts made with immigrants, apply only to such contracts as shall be in conformity to the regulations of the commissioner of immigration, and extend only to the giving of rights of action thereon in the United States and State courts, and to providing a troublesome and doubtful method of obtaining a lien on lands if acquired

by the immigrant, but only to the extent of his wages, for the term of twelve months, and only for the repayment of the "expenses of immigration;" so that in case the immigrant should in fact receive and spend his wages for twelve months after arrival and should acquire no land, or if the importer should fail to keep advised of the place of his settlement, the remedy would be practically valueless.

The commissioner of immigration has published one set of regulations, dated August 12, 1864, and I am advised of no others. In those it is set forth that no contract is to be approved if made at rates of wages unusually low or improvident, and it is clear that none of the regulations are adopted for the encouragement of such contracts as could be made practically valuable to the importer.

I am therefore of the opinion that such contracts as are the subject of your inquiry cannot be so made as to be valuable to the importer, for the want of means of enforcing them in his hands or in those of his assignee.

Yours truly,

W. L. DEXTER.

To JOHN HEARD, Esq.

Mr. Seward to Mr. Williams.

No. 25.] DEPARTMENT OF STATE,
Washington, March 6, 1866.

SIR: Your despatch of the 23d of November last, No. 16, imforming me of the reprint in Japan of Wheaton's International Law, and the beneficial results which may be expected from this proceeding, has been received and read with great interest.

The importance which you ascribe to the appointment of Seu-ki-yu to a post in the Foreign Office seems to be well founded. It is gratifying to this government to learn from these events that the efforts and purposes of the western powers are appreciated, and it views them as proof of the advance in China of the sentiments of western civilization.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 24.] LEGATION OF THE UNITED STATES,
Peking, March 10, 1866.

SIR: I have the honor to inform you that the Chinese government has just sent an accredited agent of its own to those countries with which it has treaties, a special commissioner instructed to tender the respects of the Foreign Office of Peking to those nations, and make such observations on foreign lands as a hurried visit will allow. Though the subject has often been proposed to Prince Kung and the members of the Foreign Office, they have acted in it now without any urging, and apparently from a conviction of the benefits which they may derive; so that, being quite voluntary on their part, the step is regarded by the diplomatic body here as an advance in the right direction.

The delegate sent on this mission is Pin-Chun, (addressed as Pin-tajin,) who has been acting for two or three years as a revisor of custom-house returns, in connection with the foreign inspectorate, and has thus been brought into contact with foreigners, and learned as much of their countries as his opportunities allowed. Before leaving the capital he was raised to the third rank, and formally introduced by Prince Kung to the foreign ministers on their New Year's visit as his agent to their respective countries, sent on the part of the foreign office. His instructions require him to make careful notes on the customs, peoples, and all objects of interest in the lands he visits.

His design is to go in course to Paris, London, the Hague, Copenhagen, Berlin, and St. Petersburg, return to England to take passage for America, and get back, if possible, via California by next winter. He is accompanied by three Manchu lads, students in English and French, and by Messrs. Bowra and Deschamps of the customs, as interpreters. Mr. Robert Hart, the able inspector general of the customs, goes with the party as far as England, and it is his return home on a short furlough that has probably been the immediate moving cause for the appointment of Pin-tajin.

If he carries out his design of visiting the United States, I hope that you will grant him every facility to make such obervations as will be of service to him and his country. As he does not go in a diplomatic character, it is not expected that he will have an audience in any of the courts he visits, but will only call on their ministers for foreign affairs to present the salutations of Prince Kung. It is probably best in the present case that as the Emperor of China does not give audience to foreign ministers, this commissioner from his capital should not receive higher courtesies than he gives.

This mission from China to the west will be of great benefit to this government, if Pin-tajin brings back such an account as will encourage it in its foreign policy. It is, perhaps, better in some respects that the first attempt to break through the policy of the empire should be by sending a private agent, who can report without further committing the government; see other lands, as it were, with its own eyes, and test, in some degree, the descriptions that have been given it of those regions. It seems to me desirable, therefore, that while the party sees whatever is deemed most worthy its inspection, no great eclat should be made during its short stay in America. Since the appointment was made the Foreign Office has been much pleased at the approbation unexpectedly evinced by other high officials in Peking at the move, and consequently their interest in its result will be increased.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 27.] LEGATION OF THE UNITED STATES,
Peking, April 3, 1866.

SIR: I have the honor to transmit to you a despatch from Prince Kung, (enclosure A,) covering a copy of a set of regulations, (enclosure B,) which have been agreed upon between him and the representatives of Great Britain and France to prescribe the mode of hiring Chinese laborers to go abroad. The English and French versions are both enclosed. In my reply (enclosure C) I have mentioned the law of February 19, 1862, which I am almost sure is the only ordinance on this subject in the statute book of any nation, as the reason for not notifying them to our countrymen. I may also add that before they appeared, Baron Rehfues, the Prussian minister to China, had refused to allow Prussian vessels to carry coolies pending a reference to Berlin.

The history of the coolie traffic since 1849, when the Peruvians came to Canton to get laborers to dig guano on the Chinchas islands, is a sad result of the foreign intercourse which has been forced upon China and its people. In carrying it on, the most flagitious acts have been committed by the natives upon each other, under the stimulus of rewards offered by foreigners to bring them coolies, while the character of all foreigners has been covered with infamy

among the inhabitants of Canton province, especially in the rural districts. The cruel treatment suffered by many of these deceived people in the barracoons to force them to sign contracts and embark, is too well authenticated to be doubted; and especially has this evidence deepened the opprobrium which has fastened upon Macao as the place where the worst deeds were done. In 1859 the terror of kidnappers was so great among the natives in that city and neighborhood that they durst not venture abroad by night; and I printed a small tract for circulation in that region, warning the people of the wiles practiced to entrap them "like pigs in a basket." Out of the cargoes which have left Macao during the last fifteen years, consisting mostly of men between the ages of eighteen and thirty years, only a few scores have returned.

The records of this legation contain so many statements going to prove these remarks, that I need not enlarge. Since 1861 less has been written to the department, partly because our flag has not been used, and partly because the trade itself dwindled to a few ships carrying the coolies to Peru, Trinidad, and Cuba during the civil war in the United States. It has revived within the last fifteen months, especially to Cuba. In the year 1859 emigration offices were established by the provincial authorities in Kwang-tung province, to protect the lives and rights of their people emigrating as laborers; but a large majority of the coolies have gone from Macao, where the delay, expense, and surveillance which attended their engagement in the emigration offices were greatly diminished or avoided, so that the laudable efforts of Chinese rulers were, in a great measure, neutralized. All those taken to English colonies (chiefly to Trinidad) have, I believe, been engaged in the emigration offices; but the enterprise of thus supplying labor there is said not to pay, though the emigrants and their families are reported to be satisfied with their lot.

The failure to effect the exchange of the ratifications of the treaty with Portugal in 1864, has apparently led the Macao authorities to put the settlement in a state of defence; but the Chinese have no wish to provoke hostilities. However, being unable to exercise any supervision over the emigration thence, they disallow it altogether in these regulations, and I hope their people will soon learn that it is illegal, and that ere long the supply will be altogether cut off. No coolies have been shipped from Hong Kong for several years; indeed, it is well understood in all that region that emigrants go from Hong Kong and coolies from Macao.

I am somewhat skeptical how far these regulations will prevent the evils now complained of, until a year or so of trial has proven whether the energy of those who make gain by the traffic will not overcome the remedial measures now to go into immediate operation. Even the most disinterested officials cannot at once remove the ignorance which is imposed upon by specious tales, or the poverty which is tempted by the bounty offered; and, after all, these two facts, poverty and ignorance, underlie the whole business, and are worked upon by crafty agents to fill their own pockets. Yet I think it altogether probable that the largest proportion of the coolies go willingly, though stupidly ignorant where they are going and what they are to do.

My expectation is, however, that though other flags can be obtained to carry on the trade from Macao, the Portuguese authorities will not persistently set themselves against these reasonable rules to protect every emigrant leaving his native land as a hired laborer.

I am indebted to the British minister for a copy of his despatch accompanying the regulations, (enclosure D,) which he furnished me at my request. Its perusal will repay you, especially the remarks on the appointment of consuls from China to countries with which she has treaties. Such a functionary would do much to reconcile the laborer to his new condition by sending letters and funds home, interpreting for and counselling him in cases of accusation for crime, aiding him to return to his friends, &c. It seems to me to be quite plain

that the Chinese government has a reciprocal right to appoint consuls upon this point, as it is not unlikely to come up after the return of Pin-tajin. Almost all the treaties stipulate for the reception of ministers from the Emperor of China, but none of them specially mention consuls; yet the lesser privilege is doubtless involved in the greater.

I regard these regulations as an index of progress. They show some solicitude for the welfare of subjects who have gone abroad, and form the first recognition from the Emperor that his people emigrating to other lands are not expatriated or forgotten. If carried out honestly, the obloquy heretofore attendant upon the trade, and the bad reputation of the foreign name, will both soon cease.

If Congress sees proper to repeal the law of 1862, laborers could be taken to California, where railroads and other public works will demand thousands o hands to complete them; though if high wages and good treatment were offered, as many free emigrants might go as were needed.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—Information has just reached this place of the destruction of an Italian yessel, the Napoleon Canevaro, bound for Havana from Macao. It is reported by a part of the crew, who were picked up not far from Hong Kong, that symptoms of insubordination appearing among the coolies, the captain drove them below and battened down the hatches. Flames soon appeared, which the crew vainly endeavored to extinguish, and they soon left in their boats, without even opening the hatches.

In January the British ship Pride of the Ganges, bound to Guiana, with between three hundred and four hundred emigrants, was captured by them. They threw the captain and purser overboard, and compelled the mate to land them on Hainan island, after which he brought the vessel back to port.

In February the French ship Hong Kong, bound for Havana with over three hundred coolies, was captured by about a score of them, who had armed themselves at Whampoa. These, aided by the rest, possessed themselves of what little treasure was on board, and nearly all escaped to the land, where they were in turn plundered by the fishermen.

These things show the necessity of the regulations which have now been adopted to prevent, if possible, wrongs and violence by both those who go as laborers, and those who hire them.

S. W. W.

A.

Prince Kung to Mr. Williams.

[Translation.]

Prince KUNG, chief secretary of state for foreign affairs, herewith makes a communication:

By one of the articles in the conventions made with the plenipotentiaries of Great Britain and France at Peking in 1860, it was agreed that Chinese subjects could be hired as laborers, to go out of the country on service. In order to carry out this provision, the Foreign Office has now been in consultation with their excellencies, Sir Rutherford Alcock, the British minister, and M. de Bellonet, the French chargé d'affaires, upon the details, and have now agreed upon a set of regulations, arranged under twenty-two heads, to which both parties have signed their names and affixed their seals, in order to certify them and assure their observance.

Orders have been sent by these ministers to all the British and French merchants to conform to these regulations; and I have also forwarded instructions to the superintendents of

commerce at Tientsin and Shanghai, and to all the governor-generals and governors of the maritime provinces, to see that every one of their subordinate officials likewise follows them in every particular.

The treaty with the United States contains no special stipulation relating to the hiring of laborers to go abroad on service. But in order that all foreign merchants may avail themselves of this privilege, and also that the rights of those natives who are hired may be protected, it is necessary that a uniform system of conducting the business be followed. A copy of the regulations is enclosed for your excellency's information; and I will be obliged if you will enjoin on all American merchants who intend to engage laborers, scrupulously to follow them. They have been drawn up in consequence of the many villanous natives who prowl about to decoy and beguile their unwary countrymen to consent to go abroad, and then turn around and sell them, thus bringing no end of suffering on our people; so that there is special need for establishing some rules to protect the rights of native laborers. I am confident that you will give them your cordial support, for every humane person or honorable man must earnestly desire to see them carried into effect

It appears that many crafty Chinese live in Macao, who entrap and decoy people, or even kidnap them, to carry them abroad to service, so that the dwellers along the sea-coasts have been greatly afflicted by their malpractices. No Chinese officers having yet been appointed to live in that city, there is no properly qualified person there to oversee and regulate this matter; and, therefore, it is for the present not permitted to hire laborers and ship them from Macao.

I request particularly that when these regulations are made known to American merchants, you will specially point out that they are neither to engage laborers at that place, nor permit their ships to take them on board at that port. If this be carried out, I confidently expect that this business can be satisfactorily arranged; and it is a principal reason for making this communication.

March 15, 1866, (Tungchi, fifth year, first moon, twenty-ninth day.)

His Excellency S. WELLS WILLIAMS,
Chargé d'Affaires of United States to China.

B.

Convention to regulate the engagement of China emigrants by British and French subjects.

The government of his Majesty the Emperor of China, having requested that, in accordance with the terms of conventions signed at Peking the 24th and 25th of October, 1860, a set of regulations should be framed to secure to Chinese emigrants those safeguards which are required for their moral and physical well-being, the following, after due discussion and deliberation of the Ya-mên of foreign affairs, have been adopted by the undersigned, and will henceforth be in force:

REGULATIONS.

ARTICLE I.

Any person desiring to open an emigrant agency in any port in China must make an application in writing to that effect to his consul, enclosing at the same time a copy of the rules which he proposes to observe in his establishment, a copy of the contract which he offers to emigrants, together with the necessary proofs that he has complied with all the conditions imposed by the laws of his country regulating emigration.

ARTICLE II.

The consul, after having assured himself of the solvency and respectability of the applicant, and having examined and approved the copies of the rules and contracts, shall communicate them to the Chinese authorities, and shall request them to issue the license necessary for opening an emigration agency.

The license, together with the rules and contracts as approved by the Chinese authorities, will be registered at the consulate.

ARTICLE III.

No license to open an emigration agency shall be withdrawn except upon sufficient grounds, and then only with the sanction of the consul. In such a case the emigration agent shall have no claim to compensation for the closing of his establishment and the suspension of his operations.

ARTICLE IV.

No modification of the rules and contracts, when once approved by the consul and by the Chinese authorities, shall be made without their express consent. And in order that no emigrant may be ignorant of them, the said rules and contracts shall in all cases be posted up on the door of the emigration agency and in the quarters of the emigrants

The emigration agents shall be allowed to circulate and make generally known in the towns and villages of the province copies of these rules and contracts, which must in all cases bear the seals of the Chinese authorities and of the consulate.

ARTICLE V.

Every emigration agent shall be held responsible, under the laws of his country, for the due execution of the clauses of the contract signed by him until its expiration.

ARTICLE VI.

Every Chinese applied to by the emigration agent to find him emigrants shall be provided with a special license from the Chinese authorities, and he alone will be responsible for any act done by him in the above capacity, that may be, whether intentionally or unintentionally, in contravention of the laws of the empire.

ARTICLE VII.

Every Chinese wishing to emigrate under an engagement shall cause his name to be entered in a register kept for that purpose. in the presence of the emigration agent and of an inspector deputed by the Chinese government. He will then be at liberty to return to his home, or to remain in the emigration depot, to await the departure of the ship which is to carry him to his destination.

ARTICLE VIII.

The contracts shall specify:

1st. The place of destination and the length of the engagement.

2d. The right of the emigrant to be conveyed back to his own country, and the sum that shall be paid at the expiration of his contract to cover the expense of his voyage home and that of his family, should they accompany him.

3d. The number of working days in the year and the length of each day's work.

4th. The wages, rations, clothing and other advantages promised to the emigrant.

5th. Gratuitous medical attendance.

6th. The sum which the emigrant agrees to set aside out of his monthly wages for the benefit of persons to be named by him, should he desire to appropriate any sum to such a purpose.

7th. Copy of the 8th, 9th, 10th, 14th and 22d articles of these regulations.

Any clause which shall purport to render invalid any of the provisions of this regulation is null and void.

ARTICLE IX.

The term of each emigrant's engagement shall not exceed five years; at the expiration of which the sum stipulated in the contract shall be paid for him, to cover the expense of his return to his country. In the event of his obtaining permission to remain without an engagement in the colony, this sum will be placed in his own hands.

It shall always be at the option of the emigrant to enter into a second engagement of five years, for which he shall be paid a premium equivalent to one-half the cost of his return to China. In such a case, the sum destined to cover the expense of his return home shall not be paid until the expiration of his second engagement.

Every emigrant who may become invalided and incapable of working, shall be allowed, without waiting for the expiration of his contract, to claim before the legal courts of the colony or territory where he may be, payment on his behalf of the sum destined to cover the expense of his return to China.

ARTICLE X.

The emigrant shall in no case be forced to work more than six days out of seven, nor more than nine hours and a half in the day.

The emigrant shall be free to arrange with his employer the conditions of work by the piece or job, and of all extra labor undertaken during days and hours set apart for rest.

The obligation, on holidays, to attend to cattle, or to do such service as the necessities of daily life may demand, shall not be considered as labor.

ARTICLE XI.

No engagement to emigrate, entered into by any Chinese subject under twenty years of age, will be valid, unless he produce a certificate from the proper Chinese authorities, stating that he has been authorized to contract such engagement by his parents, or in default of his parents, by the magistrate of the port at which he is to embark.

ARTICLE XII.

After four days, but not less, from the date of the entry of the emigrant's name on the register of the agency, the officer deputed by the Chinese government being present, the contract shall be read to the emigrant, and he shall be asked whether he agrees to it, and having answered in the affirmative, he shall then and there append his signature thereto.

ARTICLE XIII.

The contract once signed, the emigrant is at the disposal of the agent, and must not absent himself from the depot without the permission of the agent.

Before embarking, every emigrant shall be called before the officer deputed by the Chinese authorities, to ratify his contract, which shall be registered at the consulate.

Twenty-four hours before the sailing of the ship the emigrants shall be mustered on board before the consul and the inspector of customs, or their deputies, and the list shall be finally closed for signature and registration by the consul and the inspector.

Any individual refusing to proceed after this muster shall be bound to pay the expenses of his maintenance in the emigration depot, at the rate of one hundred cash (one-tenth of a tael) per diem. In default of payment he shall be handed over to the Chinese magistrate to be punished according to the laws.

ARTICLE XIV.

Any sum handed over to the emigrant before his departure shall only be regarded in the light of a premium upon his engagement. All advances upon his future wages are formally forbidden, except in the case of their being appropriated to the use of his family: and the consul will take especial pains to provide against their being employed in any other way. Such advances shall not exceed six months' wages, and shall be covered by a stoppage of one dollar per month, until the entire debt shall have been paid.

It is absolutely forbidden, whether on the voyage or during the emigrant's stay in the colony or territory in which he may be employed, to make any advances to him in money or kind, payable after the expiration of his engagement. Any agreement of this nature shall be null and void, and shall give the creditor no power to oppose the return of the emigrant to his country at the time fixed by the contract.

ARTICLE XV.

The emigrant, during his stay in the depot, shall be bound to conform to the regulations adopted for its internal economy by the consul and the Chinese authorities.

ARTICLE XVI.

Any emigrant who may be riotous, or guilty of any misconduct shall be immediately locked up, until the arrival of the officers deputed by the Chinese authorities, to whom he will be handed over to be punished in conformity with the laws of the empire; the officers of the agency being in no case authorized to take the law into their own hands, and inflict any punishment.

ARTICLE XVII.

The deputies of the consul and of the Chinese authorities shall at all times be empowered to demand admittance to the agency, and to summon the emigrants before them for the purposes of interrogation.

They will be present at the signing of the contracts and at the embarcation of the coolies.

They will see to the maintenance of order, to the healthiness and cleanliness of the rooms destined to receive the emigrants. to the separation of families and women, and to the arrangements on board the transport ships.

They may at any time demand that experts or medical officers shall be called in, in order to verify any defects which they may have remarked; they may suspend the embarcation of emigrants in ships, the arrangements on board of which may seem to them defective, and they may reject coolies afflicted with contagious diseases.

ARTICLE XVIII.

The emigration agent shall be bound to pay into the Customs Bank the sum of three dollars for every male adult entered on the list of coolies embarked, to meet the expenses of inspection.

ARTICLE XIX.

Any emigrant claimed by the Chinese government as an offender against the law shall be handed over to the authorities without opposition, through the consul; and in such case the whole sum expended for the maintenance of the emigrant in the agency, or on board ship, shall be repaid immediately to the emigration agent, at the rate of one hundred cash (one-tenth of a tael) per diem.

The sum of the premium advances, clothes, &c., entered in the agency register against such emigrant, shall in like manner be repaid by the Chinese government.

ARTICLE XX.

The emigration agent shall not be at liberty to embark emigrants on board any ship which shall not have satisfied the consul that in respect of its internal economy, stores and sanitary arrangements, all the conditions required by the laws of the country to which the said ship may belong are fulfilled.

Should the Chinese authorities, upon the report of the officers deputed by them, conceive it their duty to protest against the embarcation of a body of emigrants in a ship approved by the consul, it shall be in the power of the customs to suspend the granting of the ship's port clearance until further information shall have been obtained, and until the final decision of the legation of the country to which the suspected ship belongs shall have been pronounced.

ARTICLE XXI.

On arrival of the ship at her destination, the duplicate of the list of emigrants shall be presented by the captain to be *visé* by his consul and by the local authorities.

In the margin, and opposite to the name of each emigrant, note shall be made of deaths, births, and diseases during the voyage, and of the destination assigned to each emigrant in the colony or territory in which he is to be enployed.

This document shall be sent by the emigration agent to the consul at the port at which the emigrants embarked, and by him delivered to the Chinese authorities.

ARTICLE XXII.

In the distribution of the emigrants as laborers the husband shall not be separated from his wife, nor shall parents be separated from their children, being under fifteen years of age.

No laborer shall be bound to change his employer without his consent, except in the event of the factory or plantation upon which he is employed changing hands.

His imperial highness the Prince of Kung has further declared, in the name of the government of his Majesty, the Emperor of China:

1st. That the Chinese government throws no obstacle in the way of free emigration; that is to say, to the departure of Chinese subjects, embarking of their own free will and at their own expense, for foreign countries: but that all attempts to bring Chinese under an engagement to emigrate, otherwise than as the present regulations provide, are formally forbidden, and will be prosecuted with the extreme rigor of the law.

2d. That a law of the empire punishes by death those who by fraud or by force may kidnap Chinese subjects for the purpose of sending them abroad against their will.

3d. That whereas the operations of emigration agents, with a view to the supply of coolie labor abroad, are authorized at all the open ports, when conducted in conformity with these regulations, and under the joint supervision of the consuls and the Chinese authorities, it follows that where this joint supervision cannot be exercised, such operations are formally forbidden.

These declarations are here placed on record, in order that they may have the same force and validity as the regulations contained in the twenty-two articles foregoing.

Done and signed at Peking in triplicate, the 5th of March, 1866.

RUTHERFORD ALCOCK. [L. S.]

Seal and signature of PRINCE KUNG.

HENRY DE BELLONNET. [L. S.]

C.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, March 19, 1866.

SIR: I have the honor to acknowledge your despatch of the 15th instant, relating to the engagement of laborers to go abroad on service, and enclosing a set of regulations concerning this business in twenty-two articles, and disallowing their engagement in the city of Macao, or shipment from that port, in order more effectually to carry out the plan.

I have carefully examined these regulations, which seem to be well adapted to prevent the evils which have attended the hiring of coolies. Before I can enjoin their observance upon American merchants, however, I must first submit them to the careful examination of the government at Washington, and await the action of Congress upon them; for in consequence of the flagrant evils connected with the hiring of coolies in the southern provinces, where, during more than ten years past, they had been decoyed away or kidnapped, in many instances, the Congress of the United States passed a law in February, 1862, forbidding American ships to carry coolies away from China; consequently, during the past four years no American ship has carried them. At that time the Emperor's government had not issued any regulations, and this law was enacted out of a regard to the grievous miseries which the Chinese suffered.

I may also here allude to the action of Mr. Ward, late United States minister to China, who, on being informed by Lao, the governor general, that an American ship at Whampoa had over 330 coolies on board, some of whom were detained against their will, ordered them all to be examined at the office of the Nanhai magistrate in Canton, when it was ascertained that every one of them was unwilling to go, and so all were released to go home.

But the dreadful evils connected with the coolie trade are not yet stopped, and I am gratified to see that your imperial highness is now taking measures for the protection and well-being of the people. They constitute the strength of the kingdom; and when it is strong in its people it is then in peace.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c*, *&c.*, *&c.*

D.

Sir R. Alcock to Lord Clarendon.

PEKING, *March* 24, 1866.

MY LORD: The Prince of Kung last September prepared a set of regulations for the protection of Chinese emigrating as hired laborers in accordance with the articles referring to this subject in the English and French conventions of October, 1860. Mr. Wade, in anticipation of my arrival, had replied in general terms, while M. De Bellonet, the French chargé d'affaires, occupied the intervening time in framing a carefully digested project, which he had communicated to this legation and discussed, article by article, with Mr. Wade and Mr. Hart.

The regulations thus prepared appeared to me well adapted to correct abuses at the ports, after some modifications suggested by my former experience at Canton. They were accordingly embodied in the enclosed convention, which was signed on the 5th instant by Prince Kung, the French chargé d'affaires, and myself. When the new regulations come into force all liability to grave abuses at the ports may be considered at an end. But the far greater evil of kidnapping and shipping coolies from Macao, to which the Prince refers in the enclosed letter addressed to the several legations, will still continue, and can only be met by other and larger measures, in which all the treaty powers must take part. In the mean time, as I learn from a return of shipments from Macoa in the year 1865, prepared for M. De Bellonet, it appears that some 15,000 Chinese laborers are likely to be shipped annually to Spanish, Peruvian, and Chilian ports, where they are sold into virtual slavery. That these unfortunate coolies are kidnapped or otherwise entrapped under the jurisdiction of the Portuguese government at Macao, is so generally asserted and believed by Chinese and foreigners alike, having personal observation to guide them, as scarcely to admit of question. Officially denied by the Portuguese authorities implicated, the conviction yet remains, and such charges are continually reiterated in the Hong-Kong newspapers as go to prove it. It is impossible not to join in the conclusion, that if these horrors of a slave trade, worse than that of the poor African negro, exist in the colony of a Christian state, "all nations ought to unite to put an end to it." To effect this nothing more seems required than the cordial co-operation of the powers having treaties with China—first, as regards the source of the evil; and secondly, the destination of the victims. The only acknowledged slave trade in the world which now exists, it appears, is directed exclusively to the shores of Cuba and Porto Rico, and Spain has recently declared a desire "to fulfil its solemn compacts and to stamp the trade with the seal of its absolute reprobation." But Peru and Chili largely import these coolies, who, without protection or safeguard, are only slaves under another name. Portugal having no colonies to be benefited by the labor of immigrants, is only engaged in this nefarious traffic for the profit chiefly of a few individuals at Macao, many of whom are not even her own subjects. It may be hoped, therefore, that the government of Lisbon will not, for such inadequate ends, refuse to co-operate with other powers to dry up the source and thus remove the reproach now attaching by common report to the Portuguese authorities in the colony.

It cannot be wondered at, under these circumstances, that the prince of Kung, in his official despatch, should distinctly specify Macao as the seat of the evil, and invite the treaty powers

to interdict the shipment of coolies thence by vessels under their respective flags. He makes a further request that if Chinese subjects are taken to countries with which China has no treaty relations—as the French and English, under the convention of 1860, have the right of transport without limitation—that efficient protection will be extended to them by the power under whose flag they are shipped. How far this would be an effective safeguard, or whether any real protection by consular and diplomatic agents could be extended in the Spanish colonies, or in Peru and Chili, is very doubtful. But if France and England were willing to renounce the privilege secured to them by the convention, of transporting coolies to any countries with which China had not entered into treaty relations, it would, in that case, cease to be a right for any other power, and the Chinese government could have the option of protecting its subjects by appointing consular agents of their own at the ports of disembarcation. I assume that, by international usage, the reciprocal right of appointing consuls vests in China as a matter of course, and by virtue of the treaties already made. If this be correct, there is reason to believe that, at no distant period, the Chinese government might be induced to take into serious consideration the expediency of exercising this privilege. Having already a very large staff of foreigners attached to the customs, who speak and write Chinese, they have the means always at hand of appointing trustworthy consular agents, able alike to communicate with the Chinese emigrants and the authorities of the country where they might be located obviously an essential condition.

This would in itself contribute a step of no small importance as tending to promote the rapid development of more cordial relations between China and the several treaty powers, to the manifest advantage of all. The Chinese government might thus gain interesting reports of foreign countries from their own accredited agents, and new sources of information.

This first innovation would attract attention, and sooner or later would probably lead to another, in the appointment of dipolomatic agents to represent them in the western capitals. Were it not a question of humanity, therefore, appealing strongly to the sense of justice and the sympathies of every civilized power, the means here contemplated recommend themselves as initiating a policy full of promise for the future. Viewed in either light, I trust your lordship may concur with me as to the desirability of co-operation among the treaty powers, and put an end to a state of things, at all events, reflecting the gravest reproach on western nations, through whose agency it is alone established and perpetuated.

In this hope I joined M. de Bellonet in signing the convention. * * * *

I have, &c.,

R. ALCOCK.

Right Hon. the EARL OF CLARENDON, *Foreign Office.*

Mr. Williams to Mr. Seward.

No. 28.] LEGATION OF THE UNITED STATES,
Peking, April 6, 1866.

SIR: I have the honor to acknowledge the receipt of the despatches Nos. 7 and 12 relating to the case of Burgevine; and to send you, in connection with Nos. 3 and 6 of mine last year, two additional documents closing the subject, viz: the report of the Chinese authorities respecting the disposal of his body (enclosure A,) dated 2d November, 1865, and (enclosure B) my letter to them of the 2d instant, giving your decision as to the disposal to be made of the criminal. These two papers should be prefixed to the long despatch in the form of a report to me from the consul general, dated February 2, 1866, which has been lately forwarded to you from Shanghai.

I hesitated at first whether it was desirable to inform the Chinese of your decision, though they had particularly requested it; but after reading the note sent by Burgevine to the consul at Fuhchau, June 3, it seemed to be a good opportunity at the same time to protest against the cruelty exercised towards him and his fellow-prisoners by the provincial officers of Fuhkien. Whatever plans the officials at Peking may have had regarding his ultimate disposal, I do not think that this harsh treatment can be charged to them; their wish was to execute him themselves. But the central government is very weak in such cases, and a pragmatic governor or general easily sets aside their orders to carry out his own ends, and then reports whatever he sees fit.

Though the Emperor may be sure that his proconsuls in the provinces will on the whole act loyally towards him, their semi independence and wilfulness of

restraint form one of the most unsatisfactory features of Chinese polity that foreign officials have to deal with peaceably.

This case of Burgevine illustrates some of these points better than any remarks of mine; and a perusal of all the documents will enable you to judge whether he and his felllow-prisoners were drowned intentionally or accidentally, as well as we in China can do. The question has been much discussed among foreigners, though I suppose it can never be decided; and each one's opinion would be biased by his estimate of the people. I think that the boat was upset by the current; and that this unforeseen accident balked Governor Li at Nanking of his expected pleasure of getting his enemy into his power.

The whole career of Ward and Burgevine in the service of this government was experimental and unsatisfactory, and shows that the position of our countrymen in it should be better defined. The Peking authorities see now how hazardous it was, and they can avoid future disagreements; but their position in 1860 was a desperate one, and they adopted a good plan, as it proved, by encouraging Ward to initiate the drilling their men in foreign arms and tactics. Now they are carrying out this plan widely and efficiently.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—April 9: a reply has unexpectedly just come from Prince Kung, (enclosure C) which, though vague in its terms, is, I am disposed to think, intended to assure me that in future all American citizens arrested in the country will be handed over to their consuls. The governor general at Canton last year delivered a man named Baffey to Mr. Perry; he had been aiding the rebels near Amoy, and took the first favorable opportunity to leave them, and throw himself upon the officials in the northeast of Canton province; they took him down to the city, and requested the consul to try him, but I have not heard the result.

S. W. W.

A.

Prince Kung to Mr. Williams.

[Translation.]

Prince KUNG, chief secretary of state for foreign affairs, herewith makes a communication respecting the case of Burgevine, who was drowned in the district of Lanki, in Chehkiang, by the boat upsetting in which he was travelling.

On the 1st of September I informed you that Burgevine had been drowned by the boat upsetting, and that his coffin was still at Lanki; and inquired whether his body should be buried in the same place where it was found, or whether you had any directions to give respecting its being brought away and buried elsewhere. You stated in reply that you were much obliged to the district magistrate of Lanki for recovering the body of Burgevine, and for his oversight in having it put into a coffin—acts which showed his kindness of heart—and wished to have the coffin taken to Ningpo and delivered to the United States consul who would bury it.

Accordingly, directions were sent from the Foreign Office to the governor of Chehkiang to comply with your wishes. A despatch has now been received from Li, the superintendent of commerce at Shanghai, enclosing an extract from a report of the intendant of circuit at Shanghai, as follows:

"On the 19th of September, Mr. Seward, the United States consul-general, sent his interpreter, Mr. Allen, to Ningpo, where he joined the vice-consul, Mr. Lewis, and they together went on to Lanki, meeting Siau Tsin, the officer deputed by the governor of Chehkiang at that place on the 28th, and all conferred with the river bailiff and other officials, and together went out of the north gate to a place where six coffins were stored. Among these was to be seen Burgevine's, varnished black and sprinkled with gold leaf. Mr. Lewis, having closely interrogated the bailiff, and learned that extra care had been observed in putting the body into the coffin, said it was needless to open it. The next day he went with the same official and

others to the place where the boat was upset, and where Burgevine's body was dragged for and found, having every position carefully pointed out, and making a drawing of the localities.

"On the 2d of October a public bier was prepared, and the river bailiff had Burgevine's coffin put on board a boat and sent, in charge of some of his men, to Ningpo, where it was received, and thence forwarded to Shanghai."

From the above I learn, in brief, that the consul-general had sent Mr. Lewis, his vice-consul, to Lanki, to learn the particulars respecting the disposal of Burgevine's coffin and get it; and further, that the local authorities there had taken good care of it, and had sent men in company with it to Ningpo, where it was received and forwarded to Shanghai. This, therefore, ends this case, and I now inform you of these proceedings.

November 2, 1865, (Tungchi 4th year, 9th moon, 10th day.)

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

B.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, April 2, 1866.

SIR: Referring to the case of Burgevine, formerly a prisoner in the hands of the Chinese authorities, and to my despatch of June 21, 1865, in which I proposed to leave him in your custody until I could receive instructions from my government whether he might be surrendered to the Chinese, I have now the honor to inform your highness that I have been honored with instructions from the Secretary of State, as follows:

"Although the offender, Burgevine, was in the employ of the imperial government, he is still an American citizen, and must accordingly be judged by the laws of his country; and if, on the trial, his guilt is proved by clear evidence, he may then be left in the custody of the Chinese. But this is to be understood to rest upon the voluntary consent on the part of the United States upon the grounds of national honor, and not from Chinese right under treaty stipulations."

In communicating this decision I beg to bring to your notice the conduct of the governor general at Fuhchau towards Burgevine. When he was in that city the American and British consuls received a note from him, complaining that he was treated with great cruelty and indignity, and had not sufficient clothing or food, and asking them to visit him. But the governor general refused them permission even to see him. Such conduct and treatment is a violation of the rights of humanity, and incenses every foreigner who hears of it. Whenever an American citizen shall be arrested by Chinese officers as a criminal they are bound to treat him kindly, and not subject him to insult or cruelty, but to deliver him over to the American consul at the nearest port. His crime will be carefully examined and equitably judged by the consul; but the government of the United States will not consent, in any case, to have such a prisoner secretly taken through the interior of the country to another part of it, violating both the spirit and letter of the treaty.

I have, therefore, respectfully to request your highness to enjoin this point upon the high provincial authorities, as it is one of the highest importance.

I have the honor to be, sir, your highness's obedient servant,
S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c., &c., &c.*

C.

Prince Kung to Mr. Williams.

[Translation.]

Prince KUNG, chief secretary of state for foreign affairs, has the honor to acknowledge your excellency's communication of the 2d instant, the particular object of which was to make known to me the reply which you had received from the government of the United States respecting the disposal to be made of Burgevine.

The circumstances which have attended this affair were all detailed last year in the various despatches which then passed between us; and further, Governor Li, the superintendent of commerce at Shanghai, has arranged other points with Mr. Seward, the United States consul, so that all things seem now to be settled in a manner that is acceptable to all.

I may, however, express the desire that no such case will again arise, and that no Americans in China will join seditious natives in rebellion. The Chinese government will then

have no occasion to restrain or imprison citizens of the United States. If such be the case none of these evils will spring up; and, as I confidently expect that it will be so, I send you this reply in order to express my gratification.

April 9, 1866, (Tungchi, 5th year, 2d moon, 24th day)

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

Mr. Seward to Mr. Williams.

No. 31.] DEPARTMENT OF STATE,
Washington, April 7, 1866.

SIR: I have to acknowledge the receipt of your despatch No. 20, of the 6th of January last. It informs me that the foreign community at Shanghai are now engaged in revising the code of municipal regulations under which they have lived during the last ten years, and it further informs me of the opinions of Sir Rutherford Alcock in regard to the desirableness of adjusting them in a manner which may result in doing away with the semblance of territorial authority, now exercised by England, France, and the United States in Shanghai. In reply, I have to inform you that you have not under-estimated the importance of the subject. I will thank you to give me particular information in regard to the matter as the discussion proceeds at Shanghai, in order that this government may become thoroughly acquainted with the actual necessities and situation of the community alluded to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 161.] DEPARTMENT OF STATE,
Washington, April 9, 1866.

SIR: With reference to that part of your despatch of the 28th of February, No. 117, suggesting the expediency of increasing the United States naval force in Chinese waters, I have to state that the attention of the Secretary of the Navy having been invited to the subject, that officer, in a letter of the 4th instant, informed this department that, at present, there are in the waters of China the Hartford, Wachusett, and Wyoming, and the Shenandoah is on the way out, all of them good vessels with steam power. The sailing ship Relief is also on that station, and it is proposed to send one of the large steamers now in course of construction, so soon as she may be made ready. Mr. Welles states that the squadron in Chinese waters will then be about as large as can conveniently be assigned to that station, in view of the demands for vessels of war in other quarters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 162.] DEPARTMENT OF STATE,
Washington, April 9, 1866.

SIR: Referring to your despatch of the 28th of February, No. 117, so far as it relates to the communication addressed by Mr. Dexter to Mr. Heard in answer

to an inquiry made by the latter gentleman, whether contracts with coolies to labor for a term of years can be so made in China by an importer of them to the United States as to be of substantial assignable value on the arrival of the coolies here, the conclusion arrived at by Mr. Dexter that no contract can be made likely to be valuable to an importer of coolies is concurred in by this department. If, however, the reverse were true, it is not, at present, considered desirable to encourage the emigration of Chinese under the apprentice system, indicated in the letter of Mr. Dexter, though they will be at liberty to come voluntarily to the United States, subject to the restrictions contained in the act of Congress of the 19th of February, 1862, relative to coolie immigration, and to the acts therein referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 30.] LEGATION OF THE UNITED STATES,
Peking, April 12, 1866.

SIR: I have the honor to send you some particulars relating to the desecration of the American cemetery at Tangchau, which is interesting chiefly as showing one of the modes in which the natives of China vent their ill-will upon their enemies, and have done so in this instance against missionaries. Out of many depositions and official papers, which it is not necessary to send you *in extenso*, I have learned that when the missionaries first went to Tangchau they found it difficult to purchase land for a burial-ground from the people. They therefore applied to the district magistrate of Punglai, who rules over a portion of Tangchau prefecture, and he kindly set apart a plot of ground that belonged to government, which he told them he could not sell, but would grant, in perpetuity, for this purpose, and file the record in his archives. He also was at the expense of setting up the boundary stones and a marble slab, on which was engraved the grant to the missionaries. This act of consideration and courtesy deserves notice, for I am not aware of another instance like it in China.

This was in the autumn of 1861, and during the next eighteen months several headstones were erected, some trees planted, and the plot partly turfed. No injury appears to have been done for two years, but in the spring of 1864 it was noticed that some of the trees had been removed, three headstones thrown down, others chipped, and the official inscription mutilated. These acts were reported to the magistrate, who readily promised the missionaries to investigate the affair and deal with the offenders.

"A few days after our visit," says one of them, "an old man with a chain around his neck was led to my house by the mandarin's runners, who presented his card with a verbal message to me, stating that this was the constable, whom we might punish as we saw fit. I sent the man back with a written reply, expressing our surprise and dissatisfaction at this mode of procedure. On receiving it the magistrate expressed great surprise that the man had thus been sent to me; that it was the unauthorized doings of his underlings. It seems, however, that he sent his policemen into some of the neighboring villages to make inquiry on the matter; he also issued a proclamation warning the people not to interfere with the graves; but nothing more was done. The broken stones were replaced by us."

During the next year, (1865,) further damages were occasionally perpetrated, until, by the end of it, all the trees had been ruined, and hardly a whole stone remained in the lot, the fragments lying scattered about. Particular pains had

been taken to obliterate the Chinese inscriptions in the epitaphs, especially the name of Jesus, proving the deliberate purpose to annoy as well as destroy.

Dr. McCartee, the former consul at Tangchau, demanded that the authorities should see that these aggressions were stopped, but in vain. Mr. Sandford has done all that remonstrance can do, since he arrived, to urge the intendant to punish the offenders. I send a copy of the latter's reply to the consul, (enclosure A,) as it exhibits his view of the responsibility of the proprietors of the graveyard. A second proclamation forbidding natives to go to the place was issued by the Punglai magistrate, January 11, 1866, under orders from the intendant; but through fear of the people he seems to have retained most of the copies in his office.

I also enclose copies of Mr. Sandford's statement of his preceedings and my reply, (enclosures B, C,) which furnish all that is important. Although I do not think that the Chinese government, according to a fair interpretation of the treaty, is liable for damages done to the graves, unless it can be shown that their officials have screened the offenders, yet, lest this ill feeling proceed to other acts, which may render a residence at Tangchau very disagreeable, I have requested Admiral Bell to visit that city, if he can, as no United States national vessel has yet been there.

The missionaries concur in attributing these acts to a dislike to foreigners generally, and an unwillingness on the part of the citizens to see them settling permanently in their midst; and not to any personal pique against them as missionaries, for none others yet live there. One of them remarks, when explaining this point, that "I believe these acts of injury did not arise from ill-will to any individual foreigner in Tangchau, neither did it arise from hatred to the American residents, as a body, because they are missionaries or Americans; but simply because of a general hatred of us as foreigners. After residing among the Chinese nearly fourteen years, I am deliberately of the opinion that they bear no malice against missionaries because of their religion, but they bear intense malice against the white race, simply because they see that they differ essentially from themselves—that there is no common ground of union. They see in the white man will, energy, purpose, and they dread and hate him as a latent power, and an intruder in their country, foreboding no good, but much future trouble. Under the influence of these feelings, it gives many of them exquisite pleasure to injure a foreigner, or anything belonging to him, and I think they have destroyed these gravestones simply as a luxury. They entertain no such feelings, as far as I have been able to discover, towards any other race, and those who enjoy luxuries should pay for them in dollars and cents at a fair valuation, and thus they will be able to calculate beforehand to what extent they can afford to indulge."

Such a feeling as is here described no doubt exists to some extent all over China; but it cannot be checked at all times, and is often stimulated by proud, literary families, while others of the same class will oppose and somewhat neutralize it. The officials belong to the literary class, but they desire to keep the peace with both natives and foreigners, and think that to trim and delay a matter is their safest course. Every Chinese official comes to regard his own safety as his chief object, and his rule of action is to do as little as possible.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

The Intendent to Mr. Sandford.

[Translation.]

NOVEMBER 23, 1865.

Pwan, intendant of circuit, commissioner of the gabelle, and acting as collector of customs in the east of Shantung, has the honor to reply to the despatch of the United States consul respecting the destruction of gravestones in the American cemetery near Tangchau:

On receiving your despatch I issued orders to the district magistrate of Punglai to make inquiry, and he has now sent the following report:

"I have to state that in October, 1861, Mr. Danforth and other American missionaries reported to me that Mrs. Danforth had just died, and as they had no place to bury her in, it was necessary for me to get a spot somewhere. I therefore selected a plot in the public domain, lying on the Little Gold-peak hill, and there they laid her body. A map was made of the locality, and, at their request, I issued a public notice confirming the lot to them. On the 10th of March, 1864, Mr. Hartwell and other missionaries represented to me that the gravestones placed in this cemetery had been broken by persons unknown. Finding that the statement was true, I sent policemen to make careful inquiries through all that neighborhood as to who had done it, and issued a proclamation warning people not to do any damage to the grounds. Now this lot where the American cemetery lies having been a portion of waste land belonging to the government, it had not been rented by anybody and had, therefore, paid no tax. When the missionaries complained last year that the gravestones had been defaced, search was made for the offenders, and a proclamation issued forbidding people to go there; but no explicit evidence as to who committed the desecration this year has been brought before me.

"I take the liberty to remark, however, that the gentry and people of China usually appoint custodians to watch their burial grounds, so that if evil persons and vagabonds injure them, some clew can be obtained of the offenders, or they can be seized on the spot and handed over to the magistrates for examination and punishment. But this American burial ground lies remote from dwellings, in a wild spot, and has been left unprotected by the missionaries, so that although the gravestones have been repeatedly defaced, and they have complained of the injury, it has been no easy matter to arrest the offenders. As this affair is one that concerns the people of both nations, I have not presumed to intrude my opinion as to the best mode of protecting the place."

In regard to this business, I (the intendant) may observe that in China custodians are usually appointed to look after the burial grounds, whether lying near or remote from dwellings, lest they are injured by lawless people. If it is situated far away among the hills, like this one belonging to the American missionaries, it is still more desirable to have a watchman placed over it, and then if damage be done, he can instantly seize the offenders and carry them before the magistrate for punishment.

I accordingly inform you, sir, of these circumstances, and beg you to urge the missionaries at once to engage a trustworthy person to take charge of their cemetery, so that if the stones should again be injured, he can instantly hand over the guilty persons for punishment.

E. T. SANDFORD, Esq., *United States Consul.*

B.

Mr. Sanford to Mr. Williams.

UNITED STATES CONSULATE,
Chifu, November 25, 1865.

SIR: I have the honor to inform you that on the 21st instant I received a visit from Rev. C. R. Mills, who told me that he had just received a letter from C. W. Mateer, stating that the Chinese had again desecrated the American cemetery at Tangchau, entirely ruining the stone which was placed at the head of Mrs. D.'s grave, (one of fine American marble,) and those placed on the graves of Mr. G.'s children, and requesting him (Mr. Mills) to lay the case before the consul. I informed him that Mr. Mateer's deposition and his own would be necessary regarding the previous occasions when the cemetery was desecrated, but that I would see the intendant upon the subject.

According to arrangement, I visited that official on the 23d. He requested me to furnish him with an official statement. When I remarked that the perpetrators must be arrested and dealt with according to law, and that an indemnity of one hundred and fifty taels was demanded, he stated that the people of Tangchau were very bad, and he was so far from them he did not know how it would end. He added that the Americans ought to come to Yentai to reside, as the treaty specified open ports. I urged their right to reside at the city of Tangchau, and that I should insist upon it. I called his attention to Articles XI and XII of the treaty, and he admitted that it was his duty to arrest and punish the offenders.

I have stated the various outrages committed on the tombstones to the intendant from the first. I fear, however, from his manner and his unwillingness to have foreigners reside at Tangchau, that he will act in a very dilatory manner. I shall exercise patience.

I am, very respectfully, your obedient servant,

E. T. SANDFORD,
United States Consul.

S. WELLS WILLIAMS, Esq., *&c., &c., &c.*

C.

Mr. Williams to Mr. Sandford.

LEGATION OF THE UNITED STATES,
Peking, March 21, 1866.

SIR: I have to acknowledge your despatches Nos. 4, 5, and 6, with their enclosures, relating to the desecration of a cemetery at Tangchau, wherein were buried the bodies of several American missionares and their children, by breaking the stones and destroying the trees at various times during the last three years; together with your efforts to obtain compensation and protection.

I have carefully read these papers, for, so far as I know, it is the first instance in China of persistent injuries done to foreign graves, and I do not think that the district magistrate exerted himself when informed of the outrages as he should have done; still I do not think that the spirit or letter of the treaty will bear you out in demanding one hundred and fifty taels indemnity for the injury from the authorities, except as they can get it from the offenders. It would be right to call upon the authorities to defend a cemetery if it was threatened by a mob, and if there is any clew to the offenders, demand that they be punished.

The owners of a cemetery are, however, expected to take measures to protect it; and in all parts of China the natives do much to guard their dead. The foreign burial grounds at the ports are usually walled in and custodians appointed; but, so far as I can learn, the missionaries have taken no measures at Tangchau to enclose their ground, which lies exposed to depredations, being situated at a distance from dwellings. Mr. Crawford speaks of the dislike to all foreigners of the people of Tangchau, and they would seize such an opportunity to show their malice without risk of detection, mutilating gravestones being one of the ways in which one Chinese irritates another.

I cannot call upon the authorities to maintain a guard over this graveyard, and I see no other way for its protection than for the missionaries to take some measures to secure it by appointing a custodian, or otherwise, as they see best.

Your action in urging the local authorities to do what they can to arrest the aggressors and punish them is very proper, and I hope your efforts will lead them to act vigorously, and to understand that a graveyard is a place held sacred by foreigners as well as natives.

I am, sir, your obedient servant,

S. WELLS WILLIAMS.

E. T. SANDFORD, Esq., *&c., &c., &c.*

Mr. Williams to Mr. Seward.

No. 32.] LEGATION OF THE UNITED STATES,
Peking, May 12, 1866.

SIR: I have the honor to transmit to you copies of a correspondence (enclosures A, B, C, D) with the United States consul general at Shanghai, and the general chamber of commerce, relating to the rights of foreigners by treaty to carry their steamers through the internal waters of China, which I respectfully commend to your perusal. The subject has been fully discussed among the ministers, all of whom take the same view as to the intention of the treaties. The provincial authorities in China, by their loose administration of the laws, often open the door to many irregularities, which are afterwards, as in this instance, quoted as precedents. I have no fear, however, but that the Chinese government and people will adopt our improvements as rapidly as is safe for them. The difficulty is to carry them on intelligently, and not force what is good on those not yet fitted for it.

In this connection the circular note lately received from Prince Kung (enclo-

sure E) respecting chartering foreign steamers to act against pirates, will interest you. Now that the indemnities due to the British and French by the conventions of 1860 are paid up, the Chinese authorities will be better able to do something to suppress the depredations of these miscreants, whose atrocities are so fully shown in the minute of Mr. Vice-consul Jones, of Amoy, sent to you the 16th of March last.

I have also furnished Rear-Admiral Bell with a copy of Prince Kung's note.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. G. F. Seward to Mr. Williams.

UNITED STATES CONSULATE GENERAL FOR CHINA,
Shanghai, April 26, 1866.

SIR: I transmit herewith a copy of a letter, with enclosure, lately received by me from the chairman of the Chamber of Commerce at this port, touching the navigation of the interior waters of the empire by small steamers.

I understand that an authoritative opinion was expressed by Sir Frederick Bruce to the effect that foreign armed vessels could not be taken into the interior as of right under the treaty, and upon this point I have nothing to offer.

Upon another point, however, I may be allowed to express an opinion, and in this direction I feel the ability to speak with a degree of authority, to wit: I believe that regulations may be made under which small steamers may be used in the interior without danger to the imperial government, and yet to the great advantage of foreign, and indeed of native, interests.

If it shall appear to you desirable, I will undertake, in conjunction with the local authorities, to draw up such a code of regulations.

I have the honor to be, sir, your obedient servant,

GEORGE F. SEWARD, *Consul General.*

Dr. S. WELLS WILLIAMS,
United States Chargé d'Affaires, Peking.

B.

Mr. Tyson to Mr. G. F. Seward.

SHANGHAI GENERAL CHAMBER OF COMMERCE,
Shanghai, April 11, 1866.

SIR: I have the honor to enclose to you a copy of a letter addressed to the Chamber of Commerce by a number of the mercantile firms of Shanghai, on the subject of the prohibition that has, during the past year, been placed by the provincial authorities upon the use of small steamers for the purpose of carrying on the trade with the interior of this province.

The letter fully sets forth the losses sustained and the wrong which, in the opinion of the signers, has been suffered by them in consequence of this prohibition.

The committee are decidedly of opinion that the plain letter of the ninth, fourteenth, and twenty-eighth articles of the British treaty affords the strongest argument against the legality of the prohibition, and that any discussion on the part of the Chinese authorities as to the true meaning and interpretation of these articles, so far as they relate to the matter under notice, should now be impossible, for the reason that the Chinese authorities have already accepted the plain and manifest meaning which is herein claimed, in having authorized the use of small steamers for purposes of inland traffic for a period of several years.

The object of the present letter is to solicit your favorable representation of this matter to the United States minister at Peking, and to request that you will point out to him the urgent necessity for prompt action, in order that the matter may be decided, if possible, and the decision known here before the middle of May, when preparations for the new silk will commence.

I am, sir, your obedient servant,

GEORGE TYSON,
Vice-Chairman.

GEO. F. SEWARD, Esq.,
United States Consul General, Shanghai.

C.

SHANGHAI, *April* 2, 1866.

SIR: The question of the legality of using small steamers for proceeding into the interior of this district has, we believe, been several times informally brought to the notice of the consuls at this port: but thus far the matter has received no satisfactory solution, and, although those interested have patiently waited for over a year, they have not learned that the foreign ministers at Peking have come to any decision on the subject. We therefore beg that some action may be taken by the Chamber of Commerce in the matter.

We, the owners and agents of these small steamers, are suffering much loss in consequence of the Chinese authorities having taken the initiative in February, 1865, and positively forbidden to allow our boats to proceed, as before, into the interior. This, we strongly maintain, is in direct violation of article nine of the last British treaty with China. The small steamers were ordered in England on the faith of this clause, and so long as it suited their convenience the Chinese authorities permitted them to ply to all ports of the surrounding country. Thus, during the rebellion the trade in silk and cotton with the disturbed districts was, in large measure, carried on by means of these steamers, which conveyed treasure for the purchase of produce that could not otherwise be safely sent. Soon after the country was pacified, however, the Chinese authorities suddenly and without, we believe, first consulting any of the representatives of foreign nations, declared that no more steamers should proceed into the interior—the only reason assigned being that arms might be conveyed, and, further, that these steamers would injure the native carrying-trade. Heavy bonds were offered to guard against the first contingency, but declined. The present position of affairs, therefore, is as follows: The steamers are lying at anchor, perfectly useless, (being specially built for the inland trade, they are unfit to put to sea,) and not only can they earn nothing for the owners, but the expense incurred by keeping them in order, as also the loss by depreciation and interest, amount to from $1,000 to $3,000 per boat per annum.

The real reason of the prohibition on the part of the Chinese authorities seems to be that they are anxious to purchase the steamers for their own purposes; but, having this matter entirely in their own hands, the offers now rarely exceed from one-fourth to one-third of the prime cost of the boats. Several sales have been made at this ratio to the authorities by parties who despair of the matter being settled on a fair and equitable basis.

The signers of this letter are those who still have their small steamers on hand, and they desire earnestly to appeal, through the Chamber of Commerce, to all the foreign ministers at Peking to insist on the treaties being adhered to and justice being done.

With the exception of the difference in the motive power, these steamers stand in precisely the same position as the "house-boats," which for the past fifteen years have conveyed Europeans travelling for business or pleasure into the surrounding country, and are still used in the same way.

The steamers are not registered, and are worked by a Chinese crew, with, at most, one or two Europeans on board; and the right to travel in boats being granted, it seems preposterous to insist that the treaty must be interpreted to mean that only craft propelled by sails or oars shall be used, to the exclusion of those worked by steam.

We are, sir, your obedient servants,

BOWER, HANBURY & CO.
JARDINE MATHESON & CO.
WM. PUSTAU & CO.
TRAUTMANN & CO.
DAN. PARTRIDGE.
AUGUSTINE HEARD & CO.
RUSSELL & CO.

GEO. TYSON, Esq.,
Vice-Chairman Shanghai General Chamber of Commerce.

D.

Mr. Williams to Mr. G. F. Seward.

LEGATION OF THE UNITED STATES,
Peking, May 10, 1866.

SIR: I beg to acknowledge the receipt of your despatch No. 48, of the 26th ultimo, enclosing two communications from and to George Tyson, vice-chairman of the Shanghai General Chamber of Commerce, respecting the legality of foreign steamers proceeding into the interior waters of China, and urging the permission accorded to them in the vicinity of Shanghai as a proof in favor of the practice.

This question, it appears, has attained its present importance through the implied consent of the provincial authorities of Kiangsu for such vessels to go into the silk districts during

the rebellion, in order to give greater protection to lawful trade. Relying on a continuance of this permission, these steamers were built for this business, but are now rendered comparatively useless by its withdrawal, which act is regarded as being in direct violation of article nine of the British treaty, and also indirectly contravening articles fourteen and twenty-eight.

I need hardly remark how much the interpretation of these articles is affected by the circumstances of the writers, and by the previous non-prohibition of the native authorities when they were struggling for existence against their rebellious subjects, which brought about the present state of things. But the acts of officials in any country, under such circumstances, not being usually interpreted as they are in times of peace, it seems to me only just to the Chinese government that the interpretation of this article should not be founded on the proceedings of Governor Li when he availed himself of every means to put down the rebels.

The whole tenor of article nine limits travelling in the interior of China by such native agencies and appliances as are obtainable on the spot; and the two expressions, "hiring persons" and "hiring vessels" must be understood by this intention, and be held to mean native coolies and cartmen and boats. I can confirm the opinion of Sir Frederick Bruce, referred to by you, as being that which was the understanding when the treaty was made. To allege that these expressions can include a foreign steamer and her foreign captain and engineer, even if the crew are natives, involves an interpretation contrary to article forty-eight, which limits the ports of trade for British vessels to those previously mentioned.

The writers of these letters would not, probably, maintain that because these steamers are not registered, therefore they require no protection; and their argument that they are only "house-boats," with a different motive power, and should be recognized under that class, begs the whole question. They are built abroad, are officered by foreigners, and carry foreign flags, which places them on the same footing as the vessels intended by article forty-seven to trade only at open ports. I cannot, therefore, admit the inference that permission given to travel in the interior by article nine involves the use of all or any vessels that the traveller pleases; much less can I assent to the remark that the connivance or consent of the Chinese local authorities during the past few years precludes them from all discussion as to the true meaning of this article.

Moreover, the permission for foreigners to carry their steamers into the interior waters of China would involve most serious consequences to the native authorities, and be almost impossible to restrain when once initiated. The experience of the last few years has proved how much encouragement unscrupulous foreigners can and will give to seditious natives; and such illegal proceedings would be extended from the coast throughout the provinces.

On the other hand, the favor shown by the Chinese authorities themselves to the plan of buying these steamers is a fact full of encouragement as to the navigation of the inland waters and the adoption of the same conveniences of transit and security of freight which the writers of these letters wish to bring about. If no western power allows foreign-owned and foreign-manned vessels to navigate their inland streams at pleasure, even when the rights of ex-territoriality do not exist to prevent the local authorities summarily punishing misdeeds, how much more should the weakness of Chinese magistrates not be put to this strain, and they be forced to adopt a practice fraught to themselves, and foreigners too, with the greatest hazards, merely to save a few merchants on the seaboard from suffering loss on their steamers.

Though Mr. Tyson's letter seems to intend to limit the use of steamers to Kiangsu province, the principle would, of course, extend this mode of navigation by foreigners to all ports; but I think he will admit that, if the Chinese can develop it themselves, though, perhaps, more slowly, the advantages will be greater.

I am, respectfully, your obedient servant,

S. WELLS WILLIAMS.

GEORGE F. SEWARD, Esq.,
United States Consul General, &c., &c., &c.

E.

Prince Kung to Mr. Williams.

[Translation.]

APRIL 13, 1866.

Prince KUNG, chief secretary of state for foreign affairs, herewith makes a communication:

Owing to the recent unprecedented increase of pirates along the coasts, engaged in plundering and kidnapping, it has come to pass that unscrupulous smugglers at the various ports have gone so far as to seize our vessels and injure their crews, in their resistance to lawful authority; so that it has become imperatively necessary to devise some mode of destroying and capturing them. In order to protect lawful traders, and prevent this constant injury to the revenue, it will be necessary to employ steam vessels to extirpate the pirates and seize the smugglers. But as it is not easy at once to buy steamers to carry this into effect, orders have been sent to the governor-generals and governors of the maritime provinces and the two superintendents of commerce, to make inquiries as to the terms on which steamers can

be bought, but rather to charter immediately such steamers as are likely to prove suitable for this purpose.

If, therefore, these high provincial officers should wish to charter vessels from American merchants for these objects, it seems to me that your excellency can have no objection to their doing so; and I now request that you will instruct the various United States consuls to inform American merchants that they are at liberty to enter into contracts with the officials for this purpose. When the steamers are chartered the terms will be clearly defined, and, on being reported to the foreign office by them, shall then be made known to you.

As soon as funds can be provided for the purchase of steamships, the terms can also be arranged; but, as this scheme of chartering them promises many advantages to both natives and foreigners, I am confident that you will give it your full approbation.

Tungchi 5th year, 2d moon, 28th day.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

Mr. Williams to Mr. Seward.

No. 33.] LEGATION OF THE UNITED STATES,
Peking, May 21, 1866.

SIR: I have the honor to send you a correspondence with Mr. Knight at Niuchwang, consisting of his letter to Hao, the district magistrate (enclosure A,) demanding redress for attacks made upon him by armed ruffians, his report to the legation, (enclosure B,) requesting that arms he sent to him, with my reply, (enclosure C,) and respectfully commend them to your perusal.

The part of China where Niuchwang lies has long been infested with bands of mounted robbers, whose depredations have become so serious as to render nugatory all law, and cause the imperial family and Manchu nobility some anxiety as to their sway over their paternal inheritance. The population has become more assimilated to other parts of northern China by the immigration of Chinese during many years past, whose superior industry and thrift over the native Manchus give it much of its prosperity. Their influence is shown, too, in the fact that their language has almost supplanted the Manchu language as the common speech. The government of this wide region is still administered on a military basis, but the Chinese have little part in it, and hold few offices. This would cause them little regret if they could be protected; but, on the contrary, life and property are both of light account, and many of the immigrants are almost forced to join the robbers.

The cabinet minister, Wansiang, went to the capital, Mukten, last autumn to examine the state of affairs. Three or four thousand foreign-drilled troops have been sent to aid him, and it is now reported that they have at last obtained a victory, killing seven hundred or more of the banditti. The "sword-racks" are of the same class, and the plan referred to by Mr. Knight—of employing such brigands to aid in keeping the peace—is a common device with craven officials all over China, and does much to exasperate, impoverish, and demoralize their subjects, and egg them on to rebellion. The check on this policy is found in the literati and landed gentry, whose united influence countenances and aids the industrious classes to join in plans to resist violence; but the evil is often beyond their powers, and anarchy overrides the whole region until stronger force can be brought from abroad, as in this instance, to suppress the lawless.

It is not surprising that foreigners should be sometimes involved in these internal troubles; and if we expect that the Chinese authorities at such times will always wish or dare to protect us, it is likely that we should be disappointed. They readily assent that the treaties require them to afford us all the protection in their power; but as individuals they may have their own opinion about the expediency or possibility of doing much for us against their countrymen, or, as at Niuchwang, sometimes may have no reliable or adequate force to help them.

During the past winter the community in that port have drilled themselves

under the guidance of the British consul, and the knowledge that they were preparing for an emergency has prevented, it is not unlikely, an attack; but the temptation of treasure and property of various kinds, guarded by only a few persons, may some day prove too strong, and the whole foreign settlement be swept away. The probability of such a catastrophe at present is not imminent; but the fact that the local authorities are not always able to protect our citizens, and our men-of-war may not be at hand at the time, forms my present argument for making the inquiry of the department, whether drafts made upon it for arms and ammunition to defend them in such cases would be honored. If the legation has control of the outlay it will not be excessive, and if the weapons afterwards should not be needed they can be sold. Americans have heretofore been more indebted for their safety in China to the measures taken by the English for their defence than is good policy.

It should be borne in mind, too, that while the treaties place us beyond the jurisdiction of Chinese laws, and we do nothing for the support of the government, their stipulations require that government to afford us full protection against injury, both from seditious natives and unprincipled officials. The first treaties were extorted at the cannon's mouth, and may be distasteful not only to the officers who negotiated them, but what is more important, so far beyond the ideas of the people at large that their rulers become discouraged in trying to carry them out. The treaties thus become like great charters of civilization and Christianity, and we have need to exercise forbearance and patience while educating a pagan and ignorant people up to their requirements. Yet the principle of exterritoriality contained in them, like the egg of the ichneumon fly in a caterpillar, is likely to destroy the autonomy of this government unless its development is sedulously watched. Meanwhile the strongest party often interprets treaty stipulations in its own favor when a doubt arises, and natives are always too ready to side with the strongest when advantageous to themselves.

It is the earnest desire of all foreign powers, I do not doubt, and of their representatives in China, to strengthen the Emperor's government in its authority, and encourage the people to look to their own rulers for their safety; but the latter have had too long experience of wrong and oppression, or are too ready to cheat and oppose them, to look to their rulers if foreigners can help them. Neither can the inertness and ignorance of the rulers be removed until a new set arises—a new generation—which shall have learned new ideas. It is well for the Chinese people, and indeed all Asiatics, that they have models before them in western lands of the workings of free governments, and have not to work out the problems that Europeans have solved since 1500. However, if the workings of the treaties bring benefits with them, which on the whole is the case, the future of China is still one of promise, though the urgency of foreigners to hasten the adoption of railroads, telegraphs, and other improvements before the people can appreciate their uses or the rulers provide for the details, may overdo the power of native institutions.

I have been led into these remarks in order to explain at length the position of Mr. Knight in asking for aid to defend himself and American interests at Niuchwang, as there is a propriety in it which will, I hope, appear to you, and the same exigency may at any time occur at Chifu, Taiwan, or elsewhere. I have reason for believing that the Wachusett is at Niuchwang (or Yingtsz, the port) by this time, so that there is no present danger.

The services of Mr. Davenport in aiding Mr. Knight in his interviews with the authorities are acknowledged in my note to Sir R. Alcock, (enclosure D.)

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Knight to Mr. Williams.

CONSULATE OF THE UNITED STATES,
Niuchwang, April 15, 1866.

SIR: I have the honor to hand you herewith copies in English and Chinese of my despatch to Hao, the district magistrate of Hai-ching, dated the 8th instant.

The facts therein disclosed are nearly sufficient to give you a complete idea of two assaults, as murderous in character as any I remember, made upon myself and a number of Americans who were with me, by a band of armed men called "sword-racks." I doubt not you will observe that my despatch to Hao is of the most temperate character, giving a truer statement of the occurrences than he could otherwise receive, and calling upon him to arrest and punish my assailants, as is customary the world over, but particularly in this country, where the law is very plain. Such a course, I hoped, would be sufficient to satisfy all concerned that the notorious bandit Chin, his two brothers and others, of the band, would be arrested, and that I might have the pleasure of advising you of the facts with a satisfactory conclusion. I regret to say now that such is not the case, but on the contrary I have not received any reply to my despatch, or learned the arrest of the ruffians.

On referring to my despatch of the 5th of June, 1862, you will see mention made of the existence of bands of armed rowdies, and that I thought it scarcely probable that they would attack foreigners or those in their employ. A longer residence here, however, has given me further information, which confirms much that has been written by Mr. Meadows, her Britannic Majesty's consul, the main facts of which are that these organizations not only do permanently exist, but from the imbecility of the officials have so increased in numbers and power that the latter not only conciliate them with buttons and bribes, but to this day depend upon them for the defence of the port.

I have very little to add to the facts given Hao. Reflection and a better acquaintance with the spot where the first assault took place seem to render the escape of myself and companions with life exceedingly providential. Since then, I have been often besought by leading Chinese merchants to have the man Chin and his associates caught and punished; otherwise, they say, living here will be unbearable. It is now the custom of the ruffians to walk into the hongs, inquire how much business has been done, and then exact a certain percentage. They also endeavor to control and extort from all the coolies of the place.

One way to remedy this state of things and avoid incalculable trouble would be the appointment of an intendant of circuit, with 300 or 500 drilled troops under him, so as to place him beyond the necessity of relying on these sword-racks, either for his personal protection, or for the defence of the port. Although this province has long been infested with banditti, who have plundered towns and robbed trains of carts, until their numbers and audacity have called for troops from Peking to guard the capital, Mukten, I cannot attach any political character to these sword-racks.

I learn to-day that Hao has gone to Hai-ching, about 25 miles distant, and sent back word that his grandmother having suddenly died, he will be obliged to resign office for a time. This seems to be an attempt to shirk his duties, and I trust, sir, that you will agree with me, that an official who neglects to arrest persons guilty of so gross an attack on a consul deserves to be degraded and punished. Under such circumstances, I must confess that my position is rather an unsatisfactory one. Four of the persons who accompanied me are yet suffering from wounds and unable to pursue their business as pilots.

In all my interviews with the authorities, my colleagues being present on two occasions, I have carefully abstained from threats, but assured them of my confidence that the matter would receive the serious attention of their government at Peking, if they did not give the redress they so readily promised. I shall again address the local magistrates and demand the arrest and punishment of my assailants, the brothers Chin and their confederates; also, urging that an indemnity of 2,000 taels be paid to my wounded countrymen, who are under surgical expenses, and losing their time at the most important period to them of the whole year. I am glad to say that my own wounds in the left leg are quite healed: but my personal suffering is of less importance, compared with the insult offered me, while pursuing my official duties.

My own interpreter not having returned from the south, I am very much indebted, with the kind permission of Mr. Meadows, to Mr. Arthur Davenport, assistant to her Britannic Majesty's consulate, for his invaluable aid as interpreter and translator, and shall feel grateful, if you think proper, to render him an acknowledgment.

I beg that you will use your influence towards inducing Admiral Bell to send the Wachusett or Wyoming to this port at the earliest moment. Moreover, as this port is so isolated, the province much disturbed, and American residents entirely without ordinary protection, I would suggest that twenty rifles with revolvers and ammunition be provided me for the protection of American lives and interests.

Rumors are to-day current that a portion of the banditti, six hundred in number, who confronted Wansiang, at Mukten, are roaming over the country and menacing the walled

city of Kai-chow. It is said that they intend to come here, and hundreds of frightened country people are flocking into the place; while the native and southern Chinese are hurriedly sending sycee silver, opium, general valuable cargo, &c., on board ship. I shall act in concert with my colleagues towards our mutual defence; and even if the robbers approach the place. I hope that they will not attack the foreign settlement.

Hoping to receive your immediate reply and advice on this matter, I have the honor to be, sir, your obedient servant,

FRANCIS P. KNIGHT,
United States Vice-Consul.

S. WELLS WILLIAMS, Esq.,
United States Charge d'Affaires.

B.

Mr. Knight to Hao.

CONSULATE OF THE UNITED STATES,
Niuchwang, April 8, 1866.

SIR: Eight days having elapsed since the two murderous assaults were made upon myself and countrymen by a band of armed rowdies living in this town, without arresting any of the parties implicated, I am compelled to state to you the full particulars, and hope to convince you of the gravity of the case, and prompt you to a course of justice which would have prevented the escape of the notorious Chin and his confederates.

On the morning of the 31st of March, on inquiring for my house-coolie, who has been in my employ over four years, I was told by the other servants that he had been carried off by some sword-racks to their house in the town. As none of them could explain this act, I determined to visit the house of these men and ascertain why they were interested in so insignificant a member of my household, at the same time strongly doubting the reason given for his absence. I thought it best, under the novel circumstances, to be accompanied by three of my countrymen, one of whom could interpret, and two servants to show the house.

After walking some distance in the direction of a temple called Lao-ye-miao, I met my coolie coming towards me. On inquiring the reason of his absence his replies were so restrained and unsatisfactory that I compelled him to go on before and show the house where he said he had been forcibly carried. As we walked on, still unsuspicious of danger, and had scarcely turned a corner, out rushed a body of men from two gateways fronting us, armed with swords, knives, and matchlocks, and in an instant several guns were fired in our faces at a distance of about sixty feet. There had not been the slightest provocation for this cowardly, murderous act; and the fire wounded two of my countrymen—(one so severely that his life was for a time despaired of)—one of my servants and myself. Under these circumstances I at once turned with my companions towards my house, intending to lay the matter before the authorities, but we were pursued by the sword-racks to the river side, even while dragging along one of my wounded countrymen.

On reaching my house I addressed Ching, the collector of customs, who I understood had received extra-judicial powers, relating the assault and demanding the immediate arrest of all implicated. But his reply, viewing the exigencies of the case, was deemed so unsatisfactory that I decided to visit you, sir, and in person explain all the circumstances that would facilitate your expected action. After the occurrences of the morning, and amid rumors that the sword-racks were gathering in the town, it was deemed unadvisable for me to go alone, or to take my servants; and I was therefore accompanied by some of my countrymen who were armed, but instructed to proceed in the most quiet manner. At my request the British consul permitted his interpreter, Mr. Davenport, to accompany and interpret for me. On reaching your office I found you and E., commandant of the volunteers of the town, awaiting me; but I must confess that my interview was far from satisfactory. You professed to be ignorant of the name of the leader of this gang of sword-racks, and of the location of their house, whereas the assault in the morning had been known to thousands in the town for hours, as well as the perpetrators and their houses. However, on leaving you repeatedly assured me that I might let the matter rest a space, as you would at once seize the men and deal with them. I little thought that one in your responsible position would deceive me, and instead of acting promptly and honestly, allow these would-be assassins to quietly escape with impunity.

On my return, seeing my way down had been so peaceful, I decided to go by a different street, hoping to meet with a favorite dog that was wounded in the morning. After proceeding some distance we noticed a man armed with a matchlock following us on horseback, whom I recognized as one of the band who had pursued me in the morning; but perceiving himself watched he disappeared down a lane. Fearing some treachery, I determined to retrace my steps and continued homewards on a parallel street, in the direction this man had taken.

We had not gone far when we saw a man on the top of a house aiming a matchlock at us, and recognized the locality of the morning assault. We could not retreat, and on attempting to go on were met with a volley from several matchlocks pointed down a cross street, and hemming us in, unless we ran through the fire. This we did, two only of our party being wounded in the legs. Having promised you, sir, not to take matters into my own hands, but rather to restrain my countrymen, my course I regarded as simply one of self-defence. The sword-racks were now in the same street with us, and again fired; we returned their fire, and its results enabled us to continue our course without further molestation.

On the next day, April 1st, you called on me, and met the British and Prussian consuls. It was with some difficulty then that I learned you had really allowed the entire gang of sword-racks to escape. You, however, finally consented to the destruction of their houses, arranging that I should meet you for such a purpose on the following noon. I met you there, and the houses were destroyed, although I feel that I was very lenient in not insisting on the destruction of a third one, connected in some way with the gang.

The above is a faithful and exhaustive narrative of the outrageous assaults, and of what transpired since; and I hope the destruction of the buildings will have great moral effect on these lawless men, and the thousands of bystanders. You and Ching both admitted in the presence of my colleagues that there was not the slightest provocation offered these sword-racks. You are aware, too, that the eleventh article of the American treaty provides that "arrests in order to trial may be made by either the Chinese or the United States authorities;" so that if I had gone with the intention of arresting these men who had carried off one of my people, it would have been lawful. The second assault was made when exercising my official functions in my official dress.

I therefore now call upon you to arrest the three brothers Chin and the other assailants at once; and request that you will inform me, that I may take steps to identify them. It is my duty, also, to write to Peking complaining in the strongest manner of the inefficiency of E., whose duty as commandant of volunteers requires him to preserve the peace of the place. It is everywhere known that the sword-racks belong to the volunteers whom he commands; that he was conversant with the particulars of the assault, and could have directed the arrest of the offenders. His inertness and inefficiency in this, the first affair where his services have been required by foreigners, notwithstanding his repeated promises and assurances of success, seem to point him out as the last man to fill a position of so much trust.

I have the honor to be your obedient servant,

FRANCIS P KNIGHT,
United States Vice-Consul.

To HAO, *District Magistrate of Kai-chow.*

C.

Mr. Williams to Mr. Knight.

UNITED STATES LEGATION,
Peking, May 16, 1866.

SIR: I have to acknowledge your despatch of the 13th ultimo, with its enclosures, giving the details of the attack made upon you on the 31st of March, by parties of lawless men; and I am happy to join with you in giving thanks to God for the preservation of the lives of yourself and all your company.

Admiral Bell had already informed me that he had sent the steamer Wachusett to Niuchwang, where I suppose she has already arrived, and I hope that Captain Townsend will be able to aid you, and the local authorities if need be, in securing better protection in future. It will be well to urge upon the latter the immediate settlement of this affair, rather than to effect much from their superiors here until they have more details. I have made known your version of the affair, which corrected theirs in several particulars. The destruction of the houses whence the sword-racks made their attack, under the eye of the magistrates, was a right step and will serve as a warning.

In regard to your request for twenty revolvers and rifles to protect American lives and interests, all that I can do is to lay it before the State Department. I am in hopes that Captain Townsend will be able to furnish you immediately with a few weapons and ammunition for the present need, and to stay till there is a prospect of permanent security.

The officials here have intimated that a large quantity of fire-arms have been brought to Yingtsi by foreigners, who, they hint, are somewhat responsible for the evils now complained of. Can you give me any authentic information on this point?

I am, sir, your obedient servant,

S. WELLS WILLIAMS.

FRANCIS P. KNIGHT, Esq.,
U. S. Vice-Consul, New Chwang.

D.

Mr. Williams to Sir R. Alcock.

LEGATION OF THE UNITED STATES,
Peking, May 15, 1866.

SIR: I have been informed by Mr. F. P. Knight, the United States vice-consul at the port of Niuchwang, of the important aid given to him by Mr. Arthur Davenport, of her Britannic Majesty's consulate there, in interpreting and translating while conducting the official intercourse growing out of the late disturbances in that town.

I fully concur in Mr. Knight's view of the value of these services, and shall be obliged to your excellency to convey to Mr. Davenport my sincere thanks for his valuable assistance so generously rendered to Mr. Knight.

I avail myself of this opportunity, sir, to express the sentiments of high respect with which I am your obedient servant,

S. WELLS WILLIAMS.

His Excellency Sir R. ALCOCK, K. C. B.,
Her Britannic Majesty's Minister to China, Peking.

Mr. Seward to Mr. Williams.

No. 165.] DEPARTMENT OF STATE,
Washington, May 26, 1866.

SIR: Your despatch of the 10th of March, No. 24, has been received.

It will be entirely agreeable to this government that I receive and afford all desirable facilities to the agent of Prince Kung. I trust that the observations he may be able to make in the western nations will be productive of results beneficial as well to these nations as to his own great and very interesting country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 35.] LEGATION OF THE UNITED STATES,
Peking, June 12, 1866.

SIR: I have the honor to acknowledge the receipt of several despatches, Nos. 23 to 28 inclusive, from the department. The first one, referring to measures to be undertaken in co-operation with the British minister, by the naval forces of the United States and Great Britain, has been communicated to Sir R. Alcock. You will have seen from enclosure 3, in my despatch No. 32, that the Chinese government is beginning to move in the matter; but there is a great want of small vessels suitable for chasing the pirates over shallow waters into their retreats, without which they frequently escape.

I have now the honor to send you a correspondence relating to a case involving the improper use of the American flag on the Yangtsi-kiang, which presents several features illustrative of the practical working of the exterritoriality laws under which we live. The correspondence marked A to I contains all the important papers, and I respectfully commend them to your perusal *in limine*, explanatory of a few remarks showing the bearing of the case.

There are two disadvantages, it may be premised, connected with the discussion and settlement of such cases in this country; one is, the difficulty o

obtaining accurate information; the other, the length of time consumed in corresponding with officials at the ports. It is now exactly ten months since the junk was detained at Hankau, and I am only just now able to prepare the papers to send to you. Meanwhile Mr. White, the principal witness and person interested in it, has gone, and the evidence on both sides is very imperfect, as there has been no trial or examination. The necessity of obtaining minute information in order to rebut the misstatements of Chinese officials, who are apparently never at loss for facts to uphold their proceedings, is particularly important; and if months are spent in obtaining the facts of the case, the moral effects of a decision are weakened. It is not unlike the labor of Sisyphus to teach the native authorities a high regard for treaty stipulations, and their ignorance and disregard of precedents as to their working are alike discouraging.

In this instance Mr. White seems to have had no idea that it was against the laws of his own country to furnish a flag to a Chinese boat under the plea of acting as an agent in chartering such boat from her native owners for other native traders to carry native produce on the Great river. Nor does Mr. Salter seem to have been aware of the impropriety of the thing, when the case came before him, and that he could give no legal protection to the agent, while the present incumbent, Mr. Bridges, pleads time and custom in defence of the practice. And no doubt, in the circumstances, a good deal can be urged on their side.

It was this impression of the lawfulness of this system of "selling flags," as the Chinese term it, that I suppose led to the suppression of the fact in the first report to me (enclosures A, B) that the junk was not really American property, and that the fine was paid by the native owner, through Mr. White. Not knowing these facts, I strongly urged the immediate repayment of the money, in the belief that there had been a flagrant violation of the treaty, though Mr. White's offer to pay a fine of 100 taels to release the boat might have excited a doubt. I can only explain this ill-judged and arbitary act of the intendant by supposing that the owners, having refused to pay the fee for his connivance, he determined to show that they were not beyond his reach; or that the fine was exacted to revenge a private pique of him or his friends. He issued a notice to the tradesmen of Hankau some time in December last, forbidding the use of foreign flags by native-owned boats, but I have not learned whether it has checked the business.

I think that the intendant was practically right in his argument to Mr. Salter; that, as Mr. White had been selling the American flag, he had no claim for damages for what was in itself illegal; but, apparently out of mere wilfulness he took the worst possible way of upholding it, misquoted the treaty and river regulations, and disregarded the official position of the consul, when a candid statement of the case or a reference to Peking would have strengthened his position. He seems to have been alarmed at his own conduct, however, as it was not until he had received instructions from his superiors, in December, that he issued his prohibition, mean while permitting the practice togo on.

This case shows how easily usages and malpractices, more or less opposed to the treaties, can grow to be of almost equal authority, until they are exposed and, checked, and how both natives and foreigners quote the connivance or dereliction of magistrates in extenuation of their acts. My despatch, No. 32, relating to steamers navigating the inner waters of China is *ad rem*, and a reference to Mr. Parker's published despatches, pages 681, 774, 778, 787, &c., will furnish further particulars respecting a similar misuse of the American flag ten years ago.

A short note has been received in reply to my last, (enclosure I,) in which Prince Kung repeats the reasons stated in enclosure H for not refunding the 400 taels; but I think the discussion has shown the members of the foreign office the evil effects of a course of conduct such as the intendant has exhibited, even in pursuing a right end. It might, *à priori*, be supposed that many conflicting views would arise between native and foreign authorities in China as to the limits

of their jurisdiction; and that the former would be jealous of their position, formerly so unquestioned in the eyes of their own subjects; but on the whole, fewer disagreements have arisen, and all questions are discussed in a better spirit than might have been expected.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Bridges to Mr. Williams.

CONSULATE OF THE UNITED STATES,
Hankau, October 23, 1865.

SIR: I was left in charge of the consulate August 22, and it therefore devolves on me to lay before you the following enclosures, marked A to H, which will give you the particulars and circumstances of a heavy fine imposed by the customs upon Mr. H. E. White, an American merchant at this port, in consequence of one of the crew of his junk having attempted to smuggle on board a small quantity of straw rope, the export and coast trade duties on which would be less than half a tael.

I cannot find anything in the treaties or river regulations, sanctioned by the minister, which empowers the intendant of circuit, acting as superintendent of the foreign customs, to inflict such fine, or do more than confiscate the smuggled cargo; and should you have a similar view, I beg you will take measures for the recovery of the fine of 400 taels, which Mr. White paid under protest, in order that he might be able to despatch the junk for her destination.

I should have addressed you on the subject before, but have been waiting to obtain a promised translation from the customs interpreter of the tantai's reply to Mr. Salter, but have been obliged to put up with an inferior interpretation. Regarding the expressions in Mr. Salter's letter, to which the tautai makes objection in such strong language, I beg to say, you will be the best judge as to the correctness of the translation, and also as to the apparent discourtesy of the latter's remarks to the consul. If the translation of the latter despatch is not correct, it arises from the unfortunate want of proper American consular officers at this port.

The proceedings of the tautai in this matter are in accordance with his usual high-handed measures.

I have the honor to be, sir, very respectfully, your obedient servant,

H. G. BRIDGES,
Acting United States Vice-Consul.

S. WELLS WILLIAMS, Esq.,
United States Charge d'Affaires.

B.

Affidavit of H. E. White, at Hankau.

Personally appeared before me, H. G. Bridges, acting United States vice-consul for the port of Hankau, Mr. H. E. White, and having taken oath, said that: On the 12th instant I cleared, from the office of customs and United States consulate at this port, the American chartered junk W. No. 258. On the 13th (said junk having been detained in port by the stress of weather, &c.,) the customs officers in charge of Hanyang branch of the Hankau customs discovered one of her crew attempting to smuggle on board of her 200 coils of straw rope, weighing about three piculs, and in value about 6,500 copper cash. The customs officers referred to above, having reported the matter at the Hankau custom-house, a customs officer from there was immediately ordered to go and remain on board of the said junk. Early on the morning of the 14th I called on the commissioner of customs and requested him to seize and confiscate the straw rope, and offered to deliver up the Chinese sailor who had attempted to smuggle the same on board of the said junk at any time when he thought proper to apply for him. On the 15th, by order of the commissioner of customs, the said junk was thoroughly searched, but no cargo in excess of the amount specified in her manifest was found on

board of her. On the 19th the commissioner of customs informed me that his excellency the tautai, (or intendant,) acting as superintendent of trade at this port, considered that in lieu of confiscating the junk and her cargo, he was acting leniently in fining the junk 500 taels. I told him that I did not admit that the intendant was right in confiscating a vessel's cargo as a penalty for a transgression of the customs regulations committed by one of her crew. He then wrote another despatch, a translation of which was to be forwarded to the intendant. His despatch was read to me, and was to the effect that, as the amount of rope which the Chinese sailor attempted to smuggle was small, and that as the imperial revenue would have been defrauded of only about taels 0.2.5, he was of the opinion that the infliction of a fine of 100 taels would be quite sufficient. On the 21st the commissioner of customs informed me that he had received from the intendant, as superintendant of trade, another despatch, wherein he was instructed to enforce a fine of 400 taels in the case of the junk W. No. 258, in lieu of confiscating the whole of her cargo, to which he considered himself entitled. This fine I paid under protest, and the said junk left this port on the 22d instant, after having suffered from a detention of eight days.

HENRY E. WHITE.

Sworn to and subscribed before me, H. G. Bridges, acting United States vice-consul for Hankau, this 24th day of August, 1865.

H. G. BRIDGES, *United States Vice-Consul.*

C.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, November 27, 1865.

SIR: The United States vice-consul at Hankau has sent the following report to this legation:

"Mr. White, an American citizen, appeared at this consulate some time in the month of August, and stated that Ching, the intendant of circuit, had seized and detained his native-built boat, and fined him 400 taels in the most violent and unjust manner; but as the vessel was on the point of sailing he had paid the money under protest, and came now to have the case justly tried.

"It appeared that this native craft had already obtained her clearance, and was soon to leave, when one of the Chinese sailors smuggled a lot of grass-rope, worth about four taels, on board. The master of the boat himself reported the affair to the custom-house, and told the officers that this sailor's offence was a very trifling one, and he wished them to confiscate the goods. But on the contrary, to his surprise, the collector, without consulting the consul or regarding the circumstances, imposed a most exorbitant fine for the offence, which he, however, paid under the most solemn protest. I desired that the case should be judged in an equitable manner, but the intendant has refused to listen to my proposal, and I therefore report it for your action."

From the above statement it is evident that the intendant, in quoting that portion of the fourteenth article of the American treaty, which refers to confiscating vessels detected in smuggling without any protection from their own authorities, has overlooked the point that it refers to vessels entering an unopened port in China, and has nothing to do with vessels in a legal port. In the latter case, goods alone can be confiscated, and a fine imposed by the consul after due inquiry, but the vessel cannot be involved in the punishment.

It is also stipulated in article eleven that in cases of litigation or complaint the United States consul must be notified, and he will examine into the circumstances and decide on the amount of fine or punishment. The intendant at Hankau cannot be allowed to quote a part of article fourteen in this partial manner to uphold his proceedings; and still more, he cannot be permitted to violate article eleven in so glaring a manner, and levy a fine of his own accord on an American citizen. He most plainly has broken two articles of the treaty; and I have therefore, in informing your highness of the case, to request that you will order this official to pay back the 400 taels to Mr. White, and afterwards refer the case to the United States consul for adjudication.

I have the honor to be, sir, your highness's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c., &c., &c.*

D.

Prince Kung to Mr. Williams.

[Translation.]

Prince KUNG, chief secretary of state for foreign affairs, herewith replies respecting the case of Mr. White, of the Pau-ki hong, an American, who had reported to the United States consul that the intendant of circuit at Hankau had unjustly detained a native boat. Your

excellency's despatch was received in November last, stating that as this officer had fined Mr. White 400 taels in an arbitrary manner, and had perverted the meaning of article fourteen of the treaty to uphold his proceedings and unjust exactions, you requested that he be directed to pay back the fine, and then refer the case to the United States consul for adjudication. No delay was allowed in writing to the superintendent of commerce and the governor general of Hukwang to learn the facts of the case; and the following answer has been received from the former:

"All the details of this case had been secretly inquired into, and it was ascertained that the cargo in this vessel really belonged to native merchants, for whom a man named Kau-Wan-shun had bought a foreign flag. This person was cited to appear before the magistrate, and affirmed that he had opened a shipping and brokerage office in Hankau. In July last some merchants from Tungchau, belonging to the firm Tsiun-mei, had sent their partner, Yu Pu-ting, to him to charter a vessel; he had hired the boat called Man-kiang-hung, and when it came, further recommended that he should go to Mr. White's office and buy a foreign flag for the sum of forty-five taels to put on her. The cargo was then passed through the customs and the regular tariff duties paid on it, when unluckily one of the crew tried to smuggle some straw-rope on a Sunday; happily, it was seen and seized, and a fine of 400 taels inflicted, which sum, as the real owners were not in Hankau, was advanced by their agent, Yu Pu-ting. The deponent says he will never again dare to buy a foreign flag. The intendant obtained a written assurance while Kau-Wan-shun was in custody, to which the partners of the large firm, Hu-tung-hing, in Hankau, were sureties, that nothing more of the kind should take place."

On reading the above report, it appears to me quite plain that the native merchant, Kau-Wan-shun, had opened an office at Hankau as a shipping agent; he chartered a boat for the firm Tsiun-mei to take their goods away, and presumed to apply to Mr. White for a foreign flag for a consideration, foolishly hoping thereby to evade the full payment of duties. But the intendant discovered the plan and arrested the parties, and Kau-Wan-shun confessed, on examination, that he had given a bribe to get a foreign flag for this vessel, whose cargo all belonged to native merchants, and whose crew were all Chinese. By the laws of his country his crime is very heinous, and the decision of the intendant to compound his punishment for a fine of 400 taels may be considered as rather lenient. Furthermore, this action was quite in accordance with the spirit and intent of article fourteen of the American treaty, concerning smuggling and evasion of duties, which allows Chinese officers to manage and adjudicate such cases. However, for the United States consul not only to overlook the act of Mr. White in secretly selling the American flag, and pass it by without punishment, but even to try to screen the man Kau-Wan-shun, and turn around and charge the intendant with arbitrary and unjust exaction on himself levying this fine, is totally opposed to the spirit of the treaty, which does not permit an American official to collude with and screen his fellow-citizens, much less to shield one who had sold his national flag, and then attempt to defend the Chinese who had bought it. The superintendent of commerce has learned all the facts respecting this case, and has approved of the fine; it is one that wholly comes within the jurisdiction of Chinese officers, and is levied on their own subjects, and may, therefore, be regarded as finally closed. The investigation of Mr. White's offence in selling the flag, and the punishment proper to be meted in order to promote justice and order, falls entirely within your excellency's jurisdiction.

JANUARY 4, 1866, (Tung-chi 4th year, 11th moon, 18th day.)

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

E.

Mr. Williams to Mr. Bridges.

LEGATION OF THE UNITED STATES.
Peking, January 16, 1866.

SIR: I beg to acknowledge your despatch of October 23, 1865, and its enclosures, relating to the case of the chartered junk W. No. 258, which was fined 400 taels, in August, for smuggling some straw-rope on board after receiving her clearance. I wish that you had procured a translation to be made of the intendant's reply to Consul Salter's despatch, for then you could have informed me with respect to the allegation made therein as to Mr. White's selling the protection of the American flag, which constituted the real reason for the fine. A want of translators is, however, I am well aware, one of the disabilities which the United States consulates in China labor under, and you were probably not aware of this important feature in the case.

I brought this matter before the Chinese government in November, just as you reported it, and have since received the enclosed answer, which, I suppose, contains all that the intendant of circuit has to say on his side. I have had a long discussion with the members of the Foreign Office, who do not defend his conduct in all respects. They see the incongruity of such

a fine for so light an offence, and acknowledge that he virtually consented to the illegal use of the American flag by allowing the boat to depart under those colors, instead of compelling her to resume her real character. But as I had no counter evidence to bring forward against their assertion that Mr. White did sell the protection of the flag for forty-five taels, I could do no otherwise than allow it in argument; but I wish you to sift the matter thoroughly, for if he did, he has made himself amenable to your consular court for infringing the regulations concerning chartering native vessels; if he did not, and the flag was legitimately used, send me copies of the documents proving it.

This despatch is sent you through the Foreign Office, with one to the intendant, and I wish you to investigate the case with him. He can confiscate goods detected in the act of smuggling, but he cannot impose a fine on an American citizen except through the judicial action of the consul. If the intendant thought that the flag was illegally used he could have detained the vessel until the charge was examined, and withdrawn her charter if proved; nor would I complain at any fine or confiscation, for the matter would then pertain entirely to the Chinese authorities. The American flag may not be used to aid natives in evading their own laws.

I proposed to the officers here that the 400 taels should be deposited in court till the cause was decided, and you will try to have this done; and, on ascertaining all the facts, settle the matter according to treaty and law.

I am, respectfully, yours, obediently,

S. WELLS WILLIAMS.

H. G BRIDGES, Esq., *United States Vice-Consul.*

P. S.—Since the above was written, I have learned some particulars which go to show that Mr. White has been engaged in selling the protection of the American flag to Chinese vessels. If you had any knowledge that such was the case, he ought to have been long ago cited to answer for his conduct. It may be a matter of some difficulty to settle this case, seeing that the wrong has been done, and the parties, perhaps, gone away. You can inform the intendant that if he had at first told Consul Salters all the truth about this boat, there would have been less difficulty in punishing the guilty parties. Yet he cannot be allowed to act arbitrarily even in the pursuit of a right end, and doubtless would prefer to act in concert with the consul if he was assured that the offenders would not escape. I have confidence that you will do what is possible to bring this about.

S. W. W.

F.

Mr. Bridges to Mr. Williams.

UNITED STATES CONSULATE,
Hankau, March 21, 1866.

SIR: I am in receipt of your communication of January 16, with reference to the fine of 400 taels imposed by the tautai upon Mr. White, and note your request that I should sift the matter thoroughly with a view to ascertain if he did sell the American flag for forty-five taels. Mr. White had closed his business and left this port a month before the receipt of your despatch I am, therefore, unable to make any further inquiries into the case.

In the postscript of your despatch, you write that you had "learned some particulars which go to show that Mr. White has been engaged in selling the protection of the American flag to Chinese vessels;" and further remark, "if you had any knowledge that such was the case, he ought to have been cited long ago to answer for his conduct." In reply, I have to say that I was not aware that he sold the American flag, and that I never received any complaint from the authorities of Mr. White carrying on a business of this kind. He may or may not have been wholly or partly interested in the different junks he despatched from this port, but as long as he appeared as the charterer of the craft and shipper of the cargo it was incumbent on the consul to apply for her customs papers, and give a consular clearance; and I respectfully submit that the consul was in no way bound to make unusual inquiries

I believe that there are, at the present moment, many sea-going vessels on the coast, trading under the flags of different nations, which belong wholly to Chinese. During the late war in America many American vessels sailed under English, French, and other colors, and I presume this was an exact case of "selling flags;" but I have never heard that any consular or other authority considered it his duty to assiduously endeavor to ascertain the true ownership in such cases.

On the Yangtsi river the following circumstances have existed: During the past four years numbers of native-owned junks have been despatched from Hankau under American, English, and French papers, (the greater number under the latter nationality,) with the undoubted knowledge of the native authorities, who were only too glad while Nanking was in possession of the rebels to foster the native traffic by protection afforded in this way to native craft. The authorities had given tacit consent to this system, and never expressed any disapproba-

tion of it until recently, and subsequently to the fine imposed on Mr. White; and in proof of this, I would refer to the fact noticed by yourself in your despatch, that the intendant allowed the junk W. No. 258 to clear under the American flag as soon as the fine was paid, though believing, as he asserts, that the boat and cargo were native property; and furthermore, he did not request me to make close examination into future applications for papers, with the view to prevent the clearance of junks that might not be *bona fide* American property. After payment of the fine, Mr. White cleared at the customs ten other junks without remark from the native authorities. Time and custom had made the practice so familiar that the tantai never made an objection to it, until one was required as an argument in reply to Consul Salter's letter.

I cannot speak from any knowledge, but I think it is probable that Mr. White was not the *bona fide* owner or charterer of the numerous junks he despatched from this to his American agent in Chin-kiang; but he may have been part owner, or, perhaps, only received a commission for the management of the business. Premising, for argument, that Mr. White was only the agent, the tantai's conduct seems equally reprehensible, and the precedent equally dangerous. If he chose to allow Chinese subjects to protect their junks with an American flag the craft is subject to the jurisdiction of the United States, and he cannot arbitrarily fine the nominal owner, who is an American citizen. Shall the junk have the advantage of flying the American flag without being subject to the government of that country?

As Mr. White is not here I am unable to gain any information to the statements made by the Foreign Office. We are simply in possession of the fact that it was not any supposed Chinese owner of the junk or cargo who was ordered to pay money; but that Mr. White, who appeared before this consulate as the owner of the junk, was fined by the customs 400 taels for a petty case of smuggling by one of the crew, in evident disregard of treaty rights; and the Foreign Office write you that the superintendent of commerce has approved of the fine, and that it is one that comes wholly within the jurisdiction of the Chinese officers. It seems to me that if an exercise of arbitrary power like this is to be permitted, there is an excellent precedent for the customs to fine or extort money at their will from any American citizen, and that the judicial power of the consuls over their citizens has passed partially into the hands of the native authorities, and may eventually be lost altogether, and we may consider this part of our treaty rights almost a dead letter.

Considering the importance of the principle involved, I entertain strong hopes that you will get the fine refunded, otherwise the customs are likely to fine American boats and steamers at their pleasure. In proof of this I would remind you that about two years since the British steamer Express was fined fifty taels by the customs in consequence of her river pass having been forgotten.

Mr. White has left power in the hands of a friend at Hankau to receive the 400 taels when refunded.

I have the honor to be, sir, very respectfully, your obedient servant,

H. G. BRIDGES,
Acting United States Consul.

S. WELLS WILLIAMS, Esq.,
United States Chargé d'Affaires.

G.

Mr. Williams to Mr. Bridges.

LEGATION OF THE UNITED STATES,
Peking, May 26, 1866.

SIR: I have to acknowledge the receipt of your reply of March 21, respecting the claim of Mr. White, whose previous departure from Hankau had prevented the affair of the junk W. No. 258 from being investigated. This I regret the more as I am obliged now to take the account of the Chinese authorities as the true one, which shows that he had no interest in the vessel or her cargo, whose native owners really paid the fine. If I had had the same reason for believing it when I received your first communication of October 23, 1865, I should not have been led into the mistake of urging upon the Foreign Office the repayment of the 400 taels, under the idea that Mr. White had himself paid it, which I fairly inferred from his affidavit.

The whole transaction has grown out of the irregular business which he was engaged in—that of furnishing the American flag to cover Chinese property; and as you seem to be unaware what has been done in reference to this subject, I enclose a copy of a circular notice, issued by Mr. Parker in 1856 to United States consuls in China, which will explain the view taken by the legation of this business. (See correspondence of Mr. Parker, page 774, for this notice.)

Your reference to the transfer of American ships to English or French flags during the late civil war is not to the point, nor the same thing as the transfer of the American flag to a foreign vessel, for the laws of England or France may differ from our own, and were (it is

to be inferred) observed by those who took their flags; not, like the Chinese traders, to protect themselves against their own rulers, but to elude rebel cruisers. Moreover, Congress has just passed a law prohibiting all American vessels which had thus been transferred to foreign flags ever recovering their own flag, thus showing that the proceeding was not altogether approved.

You remark, when defending Mr. White's proceedings, and inculpating the intendant, that "Time and custom had made the practice of sailing Chinese vessels under the American flag along the Great river so familiar, that the intendant never made any objection to it until one was required as an argument to reply to Dr. Salter's letter. * * * If the intendant chooses to allow Chinese subjects to protect their junks with an American flag, the craft is subject to the jurisdiction of the United States, and he cannot arbitrarily fine the nominal owner, who is an American citizen. Shall the junk have the advantage of flying the American flag without being subject to the government of that country?"

This question shows very clearly the erroneous ideas entertained respecting this business, which is indefensible in every way. The intendant, it seems, had no right to allow Chinese traders to protect their junks with the American or any other foreign flag; and the United States statutes, especially the law of December 31, 1792, still in force, would have shown Dr. Salter that he was required to ascertain the character of a vessel before permitting her to carry the American flag. It matters not how many other nations permit it, the laws of the United States do not permit a consul to furnish this flag to foreign-owned and foreign-manned craft of any nation, nor knowingly to clear such a vessel at the custom-house.

I am not called upon to defend the arbitrary acts of the intendant; nor do I fear that, if such acts as the one now under discussion are permitted, the judicial power of the consuls over their countrymen will pass into the hands of the native authorities, as you suggest; for if the business itself is not lawful, either by Chinese or American law, no tacit or open permission can make it right. Though I am of the opinion that the American flag on the junk gave her no protection against either fine or confiscation from the local authorities, I now rather wish to show that when our citizens violate the laws of their own country they cannot expect protection or redress, whatever time or custom may have done to render the practice common. Neither can the American consular or other officers exert their influence to recover a fine for a native levied by his own officials for this offence.

Mr. White should have been fined for furnishing the American flag; for it did not make his act right because the intendant winked at it, but it placed the consul in a wrong position, and of course weakened his influence. If he had really owned the junk, he could carry the flag according to the terms of the sea-letter, and load her with any freight; but that is another question. The evils connected with the illegal use of our own flag in Chinese inland waters are greater, both to our citizens and the natives, than the advantages, aside from the question of legality; and now that the Yangtsi is becoming more peaceful, even the necessity that has led natives to seek the protection of a foreign flag against the exactions of their own rulers or the depredations of pirates will, I hope, still more diminish.

I wish you to furnish me with whatever data you can obtain respecting the extent of this business on the Yangtsi river; and to inform Mr. White that no further steps will be taken to get the fine refunded, which, I infer from the evidence, he never paid.

I am, sir, your obedient servant,

S. WELLS WILLIAMS.

H. G. BRIDGES, Esq.,
Acting United States Vice-Consul.

H.

Prince Kung to Mr. Williams.

[Translation.]

APRIL 20, 1866, (TUNGCHI, *5th year, 3d moon, 6th day.*)

Prince KUNG, chief secretary of state for foreign affairs, herewith makes a communication respecting the case of Mr. White, of the Pau-ki hong, who complained against the intendant at Hankau for unjustly detaining his native boat:

When your excellency came to the Foreign Office to discuss this case and maintain the principle that whenever a foreigner was involved in a matter, as in the present instance, the intendant was bound to confer with the consul, and could not of his own accord decide the case and levy a fine as he pleased, you remarked that if the fine was levied because Mr. White had smuggled some straw rope, and of this article only a very little, which ostensibly belonged to him, it was entirely unjust to levy a fine of 400 taels. Furthermore, as you had learned that this money was paid by White, and not by Chinese traders, it was desirable, for the sake of justice, that orders be sent again to Hankau to examine and decide it according to law.

Such directions were accordingly sent to Li, the superintendent of trade, and to Kuan-whan, governor general at Wu-chang, to investigate this matter in detail, and report; and on the 12th instant I received the following reply from the former:

"I have already examined into this case most thoroughly. The man who bought the foreign flag was a Chinese merchant, and he who paid the fine was a Chinese; it was a Chinese official, too, who judged this offence against our laws, one with which the foreign merchant had no concern. The straw rope smuggled on board was also the property of a native. In short, the whole affair affected our people alone; and the shopkeepers Kau-Wan-Shun, and others, willingly paid all the fines, and thus settled the case."

From the above report it plainly appears that the incident of smuggling some straw rope, which belonged to a native trader, was not the reason for inflicting a fine; that was done because native merchants had violated a law of the land in buying a foreign flag, and these native merchants, Kau Wan-Shun, Yu Pu-ting, and others, themselves paid the money. The transaction is one that the foreigner had no interest in; and as the intendant at Hankau has already settled it judicially I content myself with ordering him to leave the American merchant White, who sold the flag, and the United States consul, who allowed him to do it, to such action as your excellency may deem proper, and have no more discussion with them.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

I.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, April 25, 1866.

SIR: I have the honor to acknowledge your highness's despatch [of January 4] relating to the petition of Mr. White against the proceedings of the intendant at Hankau in detaining his native boat; and that [of April 20] stating that it was on account of the boat having bought a foreign flag. I made inquiry of the United States consul at Hankau respecting the circumstances, and have recently received the following report:

"It is totally unjust to charge a native merchant with violating the law when he puts goods on board a vessel flying a foreign flag; for, during the last three or four years, native boats, bearing the American, English, and French flags, have been conveying large quantities of goods out of the river. The rebels at Nanking and the pirates on the Yangtsi were afraid to meddle with such boats, and as the practice was not at all to defraud the revenue in any way, it was not forbidden. When the intendant detained White's boat and fined it, he never said it was done because she carried a foreign flag; and he allowed White afterwards to clear ten more boats under the same flag. Many hundreds of native vessels have cleared hence carrying foreign flags during these years, and none of them were fined or prohibited. Why, then, should this single one be mulcted so large a sum as 400 taels? Some months after it was done, an order was issued prohibiting the sale of foreign flags to native boats, since which date none have been furnished by White to any native."

It is apparent from the above statement that the reports made of this case do not altogether agree. When the boat had bought a foreign flag, as the intendant affirms, why did he not refuse her clearance; and if he fined her for smuggling, why did he not first communicate with the consul, and not himself violate the rules which were established August 12, 1864, respecting the mode of procedure in cases of confiscation?

Furthermore, to inflict a fine of 400 taels upon a boat for smuggling some straw rope, and then turn around and allege that it was done for something else, is unjust. If the boat and cargo and owners were all Chinese, why not say so, and not implicate an American merchant in the matter?

The 14th article of the treaty, which your highness quotes, as allowing Chinese officials to confiscate vessels detected in smuggling and defrauding the revenue, refers only to vessels going into ports that are not open to trade, and cannot be applied to vessels that may be detected in smuggling at legal ports; nor can it be adduced in the present instance as upholding the proceedings of the intendant in fining the boat so much for so slight an act.

I have an earnest desire to settle this affair equitably, and the government of the United States wishes to respect the laws of China; but it is altogether wrong to allege that a law was violated in this case by selling a flag to the boat, and then to charge the United States consul with having falsified his statement of the circumstances. Such things will soon destroy all cordial feeling between our countries.

It is impossible to regard this case as settled, and unnecessary to discuss it again, because the officers at Hankau assert it; and I have therefore again to request your highness to require the intendant at Hankau to pay back the 400 taels to the consul and arrange the settlement of the case with him. This will accord with the requirements of honor and equity.

I have the honor to be, sir, your highness's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c., &c., &c.*

Mr. Seward to Mr. Williams.

No. 33.] DEPARTMENT OF STATE,
Washington, July 30, 1866.

SIR: Your despatch of the 12th of April last, No. 30, in regard to the desecration of the American cemetery at Tangchau, has been received.

I will thank you to inform me what is the custom of guarding foreign cemeteries in China; whether the government charges itself with the duty, or is it assumed by foreign residents, or their consuls. You may make inquiries, and send me a careful report upon the whole subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 36.] LEGATION OF THE UNITED STATES,
Peking, August 5, 1866.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 29, 30, and 31; and in reference to the last, which alludes to a joint proposition of the foreign ministers in Peking for some kind of simultaneous action on the question of a common municipality at Shanghai, I have now to send you several important papers, showing what the French government has done by itself, after the reception of the proposal, in respect to the government of the quarter commonly known as the French concession.

The first document (enclosure A) is a set of *réglements d'organization*, issued by the French consul-general, to go into effect on September 1st proximo; the second (enclosure B) is a joint letter from the American and British consuls at Shanghai, requesting him to delay their publication; to which Viscount de Montmorand replies, (enclosure C,) giving the reasons why he cannot do so. To this Mr. Seward replies, (enclosure D,) reserving the obedience of citizens of the United States to regulations in whose formation they had had no voice.

The moderate and judicious letter of Mr. Seward to me, (enclosure E,) when forwarding the above correspondence, and my reply, (enclosure F,) when sending a form of protest, (enclosure G,) complete the series of documents, except a short note to him (enclosure H) giving the reasons for suspending the publication of the protest at present.

The perusal of these enclosures will furnish you with all the serious objections which have been urged against the réglements, and I will only add some explanatory remarks upon them. It should be stated that M. de Bellonet, the French chargé d'affaires, recommended a fusion of the entire foreign settlement under one municipality; but his plan was overruled, and these réglements, I am informed, were principally devised by a committee in Paris, consisting of Baron Gros, Mr. Berthemy, and Admirals Juares and Gravien, all of whom have been in China. The characteristic feature of French rule, great centralization, is apparent in every article, and, indeed, one is a little puzzled, after reading them over, to know what the consul cannot, and what the council can do, for the former is everything, and without him the latter is nothing. He convokes it when he likes, suspends or dissolves it if he pleases, and then nominates a provisional council for three or six months, which seems likely to be seldom needed, however, for he can veto or suspend every act it passes, until he reports to the French minister at Peking; and, finally, the police is placed under his sole control.

The contrast exhibited between the spirit of these regulations, and those in force across the creek that separates the two settlements, remarkably illustrates the different political education of continental Europe and America; but perhaps the autocratic principle may be found to work in practice as well as the democratic, in preserving the peace, and promoting the welfare of a very miscellaneous population. The franchise is widest in the French settlement; but in fact, one based on a payment of $30 in taxes or on an annual income of $1,000, as in the other, would have disfranchised so many residents that the voters would have felt that they did not represent the community.

The limits of the quarter included under the réglements are not defined; they are, however, much larger than when the land regulations were issued in 1854, and have been extended so as to include the houses and lots of several American citizens, who originally had no idea of coming under French cognizance. These were all requested to register themselves as members of the quarter, and take out new bills of sale of their land, sealed with the French consular seal. Some of them have done so, others have declined. In one case of the latter, the old municipal council, without consulting the occupants, erected a police station on the river bank in front of the lot, which completely destroyed the frontage; their repeated protests against this act brought them no redress, and the authorities there have hitherto persistently refused to compensate the missionaries who owned the lot for this injury. The ninth clause of Article IX of the réglements provides for such a case, and it is to be hoped that this long-pending case can be equitably settled.

It is premature to express an opinion as to their working among such a heterogeneous community as are nominally living under the control of the French consul-general at Shanghai, for the whole depends upon the personal character of this functionary. I suppose that nine-tenths of the inhabitants are Chinese, and only one-fourth of the rest are Frenchmen, the remainder consisting chiefly of Europeans and Asiatics; but I cannot state the total population. The Chinese, who furnish most of the taxes and industry, are only allowed a consulting voice if the council please.

By Article XII the council can pursue at law all who refuse to pay their assessment; and Article XIV enables them to cite the recusants before the consular tribunal; if the party be a foreigner, he is then to be sent to his own consul. Supposing that consul decides for the defendants, the other party may resort to a writ of ejectment, which may produce an appeal to force if there is a man-of-war in the harbor of either of the parties. No such collision has previously occurred, for there has heretofore been a kind of popular municipality in that quarter; but last year the consul-general dismissed it as refractory, and has since managed affairs nearly alone.

The French government disclaims all intention to encroach on the rights of other nationalities, but one must be permitted to doubt whether such a system of government as is here drawn up will work harmoniously in the midst of those nationalities, and alongside of a free and effective municipal consular jurisdiction. The problem will be an interesting one, if it does not become hazardous or dangerous.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS.
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—It should be stated that, although the Russian and Prussian ministers agreed to the principles stated in the protest, they wished to obtain some legal opinions upon the questions involved before issuing it.

S. W. W.

A.

Mr. Williams to Mr. G. F. Seward.

[Translation.]

Regulations for the municipal organization of the French concession at Shanghai.

We, the consul general of France at Shanghai, in virtue of instructions received from his excellency the minister of foreign affairs of his Majesty the Emperor of the French, publish the following dispositions to be in force from the first of September next, unless some circumstance, measure, or order between now and then oblige the consul general to execute them sooner:

ARTICLE. 1. The municipal body of the French concession at Shanghai is composed of the consul general of France, and of eight municipal counsellors, four of which are French and four foreign, all to be chosen by election. The municipal counsellors are chosen for two years; they are renewed by half every year. During the session after the first election the order of renewal shall be determined by lot. The places of counsellors who die or resign are filled at the same time as those whose time has expired.

ART. 2. All Frenchmen and foreigners of twenty-one years of age are electors under the following conditions:

1. Those owning real property with a good title within the limits of the concession.
2. Those renting land in the concession, and paying an annual rent of one thousand francs at least.
3. Those living in the concession over three months, with an annual revenue of four thousand francs.

ART. 3. The consul general makes out the electoral list, revises it annually, and convokes the assembly of electors. The electoral operations are verified by the municipal council.

ART. 4. Every voter of twenty-five is eligible—

1. If he owns land in the concession that pays two hundred and forty francs yearly tax.
2. If he pays a yearly rent of four thousand francs at least in the concession.
3. If he lives in the concession, and can prove a yearly revenue of ten thousand francs.

Municipal officers whose time expires can be re-elected.

ART. 5. The ballot is secret. The vote is by list. Each list must comprise an equal number of French and foreign residents. The French residents who have a majority of votes make a part of the municipal council. Candidates of other countries who get the greatest number of votes shall also be members of the council. One or more Chinese notables, or chiefs of corporations, designated by the consul general and the Taotaë, may be admitted in consultation if the council consents to it.

ART. 6. The council will not assemble until called together by the consul general. It may be convened whenever half the members petition it in writing. The consul general may convene it whenever he thinks it necessary.

ART. 7. The consul general has a right to preside over the council. The other officers shall consist of a vice-president and a treasurer, chosen by the council every year from its members. Deliberations are decided by a majority. In case of a tie the president decides.

ART. 8. The consul general has the right to suspend or dissolve the municipal council, but must give his reasons for it to his excellency the minister of foreign affairs and to the representative of the Emperor at Peking. The suspension must not exceed three months. In case of dissolution the electoral assembly must be convoked in six months from the time of the dissolution. In the mean time a provisional commission, formed by the consul general, takes the place of the municipal council.

ART. 9. The municipal council shall discuss the following subjects:

1. The municipal budget of receipts and expenses.
2. The tariff for collecting the municipal revenues.
3. The regulation of dues among the tax-payers.
4. Petitions for exemption or reduction of tax.
5. The mode of collecting the tax.
6. The purchases, sales, exchange, and location of municipal property.
7. Opening streets and public squares, building wharves, piers, bridges, canals, straightening of streets, location of halls, markets, slaughter-houses, and burial-places.
8. Labors to promote health, and work on roads.
9. Seizure for public use. A committee composed of the consul of the person whose property is seized and the consul general of France shall fix the indemnity due to the persons whose property has been taken. In case of disagreement between the two consuls, one of their colleagues shall decide. The proceedings to be confirmed by the consuls at Shanghai deciding between the municipal council and the landed proprietor or tax-payer in the French concession.
10. Regulations concerning roads and the public health.
11. And upon all other subjects to which the attention of the council is called by the consul general.

ART. 10. The deliberations of the municipal council are not in force until signed by the consul general. The consul general must execute every deliberation of subjects in para-

graphs one to six of the preceding article within eight days. The consul general may refuse to execute a deliberation of the municipal council on the subjects enumerated in paragraphs eight to eleven of the preceding article, provided it be confirmed by the minister of France in Peking, who must be consulted without delay. The execution of the deliberation is suspended until an answer is received from the legation.

ART. 11. The sessions of the municipal council may be public, and the debates in secret session may be published according to special decisions of the council, approved by the consul general. Sessions in which the council fixes the annual budget of receipts and expenses must always be public, unless a majority of the council oppose it.

ART. 12. The municipal council has charge of highways, water distribution, lighting the streets, municipal property, execution of works of public utility, fixing the tax lists, and collection of the municipal revenues. It will also prosecute delinquent tax-payers. The council elects its secretary. It also appoints all employés in the municipal service, and suspends or revokes their commissions.

ART. 13. The consul general is charged with the preservation of order and public safety in the limits of the concession. It has charge of the police force, the expenses of which are paid by the municipality. It appoints their agents, suspends or revokes their commissions.

ART. 14. Violations of road regulations are tried by a delegate of the municipal council, with appeal to the consul general. Violations of police regulations are judged by the consul general or one of his officers. In case of prosecution for non-payment of taxes the municipal receiver summons the delinquent before the consular court.

ART. 15. If the person tried for one of the three causes mentioned is not a Frenchman, and objects to the competency of the judges, he must be sent before the judges of his nation.

ART. 16. No foreigner can be arrested within the limits of the concession by order of a judge or foreign court without permission from the consul general of France or one of his agents.

ART. 17. The consul general, when he thinks proper, and after consulting the municipal council, may call an extra assembly of the electors, and even all the French and foreigners, who have no vote in the concession, to get their opinion on questions of general interest to be submitted to them.

ART. 18. In case of the absence of the consul general, or a vacancy in his office, all the powers and prerogatives conferred upon the consul general by the present regulations shall devolve upon the agent of the consulate.

NOTE.—After consulting the municipal committee and the principal members of the community, the consul general reserves the right to make any changes in these regulations he may deem necessary to the interest of the community and compatible with his responsibility to his government. By the 25th of this month the electoral lists shall be made out and deposited in the mayor's office, where they shall be verified by the municipal committee. They shall then be made public and the electors shall have until the 10th of August, 1866, to make their remonstrances or present their titles, by virtue of which they may vote or be candidates. These titles and reclamations shall be examined by the municipal committee, to which the claimants shall make application. The time for holding the elections, and the details concerning the mode of voting, and the nomination of municipal counsellors, shall be made known hereafter.

B.

Mr. Winchester et al. to Vic. De Montmorand.

[Translation.]

SHANGHAI, *July* 9, 1866.

DEAR SIR AND COLLEAGUE: We have had before us, and considered in a general manner, the regulations which you have received from the government at Paris, with instructions to publish them.

We foresee many difficulties in making these regulations applicable to persons not French subjects who may be resident within the limits to which they refer. So far as regards Englishmen and Americans, any rules, to be obligatory, must be made or enacted by their own authorities, as is provided by the two governments Until they have been ratified in the proper quarters we can take, therefore, no steps to aid in enforcing them.

We particularly note that the 14th article is open to grave objections, since it materially restricts the exercise of the absolute exterritorial jurisdiction which has been conceded to our respective governments by that of China.

We believe, moreover, that the tenor of the regulations will not fail to give rise to the impression that it is the intention of the government of France to assume territorial dominion in China, an intimation which we do not in the least attribute to it, because it is directly opposed to the policy of co-operation which has heretofore received the sanction of the several governments.

Considering that it cannot be the desire of the government of France to abridge the privileges of the people of other nations living here, or to give rightful ground to any to

believe that it is its intention to assert unusual powers here, and considering that a general desire has been expressed in high quarters for a reference to the several governments concerned, with a view to the delineation of a general basis for the management of municipal matters in Shanghai, we suggest that the publication of the regulations be delayed until information can be had from Peking as to whether the reference referred to has been made.

We make this suggestion with the more confidence on account of the difficulty which must exist at a distance in arriving at a clear perception of the extent to which such regulations affect other jurisdictions concerned.

We return our thanks for your courtesy in handing us the regulations before publication, thus giving us the opportunity of communicating to you the impressions which the perusal has suggested.

We have the honor to be your obedient servants,

C. A. WINCHESTER,
GEO. F. SEWARD.

C.

Vic. De Montmorand to Mr. Winchester et al.

[Translation.]

SHANGHAI, *July* 10, 1866.

MY RESPECTED COLLEAGUES: Your joint letter enclosing the English translation of the new regulations of the municipal organization in the French concession reached me yesterday evening.

Allow me to make a few hasty remarks on its contents.

In the first place, I cannot expect my honorable colleague from America to aid me in enforcing these regulations against his countrymen, when he could not do it with the land regulations in force in the English concession; for, if my memory is not in default, I think I have heard him say several times he was not authorized to do it in any municipal regulations.

I hope, however, that steps will be taken in Peking, or elsewhere, that will permit you both, as well as myself, to enforce any municipal regulations that are, or may be, established in Shanghai for the benefit of our respective countrymen inhabiting that place.

On the other hand, you point out Article XIV as objectionable because you think it restricts your right of ex-territorial jurisdiction in China. But, gentlemen, I really think if you had examined Article XIV or Article XV you would have seen the respect the French government has shown to the jurisdiction of other nations and their consuls at Shanghai.

Yet I am happy to see that, though you fear these regulations may give cause to believe the French government intends to extend its territorial dominion in China, you entertain no such idea. You are right in this case, I am sure. In fact, the only intention of the French government is to preserve the rights the Chinese government has granted it in virtue of Article XXII of the treaty signed in 1844 between Mr. Lagrenée and the Chinese government.

I can, then, give you the firm assurance that the French government has not the least intention or desire to diminish the privileges of the inhabitants of Shanghai, to whatever nation they may belong, or to claim extraordinary powers in China.

I regret, however, in conclusion, that I cannot accede to your wishes in delaying the publication of the regulations in question till you hear from Peking on the subject. My orders are positive, and I cannot disobey them. But, from courtesy, and to show you my wish to harmonize with you, I take the responsibility to delay the execution of the regulations till the first of September, instead of carrying them into effect immediately, as I was instructed. I shall not be obliged to enforce them sooner unless the provisional committee resigns, or the landed proprietors undertake the management of affairs in the concession before that time.

Please accept the assurance of my most distinguished consideration.

VICOMTE BRENIER DE MONTMORAND.

D.

Mr. G. F. Seward to Vic. De Montmorand.

UNITED STATES CONSULATE GENERAL,
Shanghai, July 11, 1866.

DEAR SIR AND COLLEAGUE: I have to own the receipt of your letter yesterday, addressed to Dr. Winchester and myself, in reply to our joint note of the 9th instant.

I have the concurrence of Dr. Winchester in saying that by a slip of the pen the article to which special objection was taken was erroneously indicated as the 14th, when the 15th was meant.

Each of us will at once communicate this correspondence to our respective superiors at Peking.

For myself, I desire to remark that your understanding of my position touching these new regulations, as well as the old ones, is correct.

Neither of these has been enacted in such manner as to make it, in my opinion, of binding force as respects citizens of the United States.

The authorities of the United States in China, as well as the citizens of the United States residing at Shanghai, were, however, consulted in the preparation of the old regulations, and the result is that they have received such cordial support that the absence of power to enforce them at law has not occasioned inconvenience.

It cannot be expected that like support will be given to regulations in the preparation of which neither the one nor the other have been consulted, and which will be regarded as trenching upon rights of the first importance.

I have communicated a copy of this note to our colleague, Dr. Winchester.

I have the honor to be your obedient servant,

GEO. F. SEWARD.

Vicomte BRENIER DE MONTMORAND,
Consul General for France, Shanghai.

E.

Mr. G. F. Seward to Mr. Williams.

UNITED STATES CONSULATE GENERAL,
Shanghai, July 11, 1866.

SIR: The treaties of foreign governments with China, and notably the treaties of the United States, Great Britain, and France, provide for the complete removal of the citizens of these several countries from amenability to the government of China, and authorize each government to extend an intercurrent jurisdiction over its respective nationalities. There is no treaty between the several foreign governments, or any of them, which grants to either or any of them jurisdiction of any kind over the citizens of another or other powers; nor is there any authority in the Chinese government to grant such jurisdiction, since it has already renounced in favor of the several nationalities, individually, all its natural powers over their respective citizens.

It is manifest, then, that to form at any port a municipal establishment which shall be enabled to levy taxes and collect them at law, qualifications of fundamental importance, it is indispensable that the authorities of the several nationalities shall concur in creating regulations having such intent and effect.

The principle thus set forth has received general support. So long ago as 1854 a code of land regulations was framed by the consuls of England, France, and the United States, then representing almost the whole of the foreign interests involved. They were approved by the ministers of those powers, and by the Chinese government through its local representative. They have received from time to time the sanction of other powers, and nothing should have remained but to improve and enlarge them as circumstances might demand.

The successive French consuls have, however, for a long time assumed peculiar powers over a portion of the general settlement which has become known as the French "concession." Without consultation with other consuls, one of them established a council, and through its agency created a police force. Upon more than one occasion the writs of consular tribunals of other nations have been prevented from running in that quarter by the action of that police force, and the sanction of the consul general of France for the time being. Englishmen and Americans have been arrested and thrown into prison, and held, pending the convenience of the police, without color of law.

It was hoped that in time natural operations would induce our Gallic neighbors, who are few in numbers, and who have only been able to carry on their peculiar government by means of the jurisdiction which they have established over the multitude of Chinese upon their so-called concession, to drop these pretensions, and join with the people of other nations in perfecting a general municipal establishment.

I regret, however, to inform you that pretensions which have heretofore been avowed only on the part of the local representatives of the French government, have now been affirmed by that government. I enclose a copy of a notification made this day in the public prints, and I proceed to point out hastily, as my time is short, the objections to them which occur to me.

1. They provide, without reference to the Chinese government, or to any other government, for the establishment of a municipal organization on Chinese territory, which is occupied by Englishmen and Americans, as well as Frenchmen, but chiefly by Chinese. Thus, nothing less than territorial dominion is assumed, irrespective of the rights or wishes of the vast majority of those affected.

2. The municipal organization thus created, or to be created, is so arranged that French influence shall be ever paramount. Five of the nine councillors, counting the French consul general as one, will always be Frenchmen.

3. The consul general of France will not only be a member of the council, with a casting vote, but he will also have autocratic powers. He will prepare the lists of electors; he only will call meetings of the council; he will be empowered to suspend and dissolve the council; he, one of its members, will be one of their arbitrators in questions arising between persons of other nationalities and the council; he will have a veto upon the acts of the council; his consent must be procured to appointments in the municipal service, and he may remove any or all incumbents; he will be charged with all things connected with the preservation of order; his consent and co-operation must be had before any action can be taken on the part of the tribunals of other nations within the limits of the so-called concession.

4. Appeals of the council itself against the consul general will be to the French minister at Peking, but only in cases enumerated.

I have, in conclusion, to point out that the assumption of the French government in this matter is in direct violation of the principles which have always been upheld by the government of the United States, which were assented to long since, by the the British government in particular, and more recently by the ministers of Great Britain, France and Russia, (*vide* Mr. Burlingame's letter to me of June 15, 1864, and the references made therein,) and to declare my opinion that in case the government of France is not led to disavow the assumption, other powers will attempt to imitate her example; and thus may be sounded the prelude to the great work of breaking up and appropriating China.

I enclose a copy of a note addressed to the French consul general by her Britannic Majesty's consul and myself jointly; also of his response and of my rejoinder. One object was, by preventing the publication of the new rules, to render their reconsideration more easy.

I have the honor to be, sir, your obedient servant,

GEO. F. SEWARD.

S. WELLS WILLIAMS, Esq., L. L. D.,
United States Chargé d'Affaires.

F.

Mr. Williams to Mr. G. F. Seward.

LEGATION OF THE UNITED STATES,
Peking, July 30, 1866.

SIR: I have to acknowledge your despatch No. 57 and its enclosures, relating to the new code of réglements issued by the French consul general for the government of the so-called French concession, and to commend their spirit and the entire co-operation you have carried out with her Majesty's consul in the correspondence.

There are some objectionable points connected with the publication and purport of these réglements, and their general bearing has been fully discussed with her Majesty's minister, (to whom I showed your despatch,) and with the Russian and Prussian ministers. I enclose a form of protest, which expresses our views in relation to the réglements, and to which you can get as many consular signatures as possible. Sir Rutherford Alcock is writing to Dr. Winchester upon the subject, and it is important that you and he continue to act in entire accord in relation to this matter, whatever rule of action the other consuls may see fit to adopt.

I notice in your reply of July 11 to Viscount de Montmorand the remark that in your opinion "neither the old nor new regulations have been enacted in such a manner as to make them of binding force as respects citizens of the United States." If you mean by *new* regulations those recently issued by the French consul general, and by *old* those in operation since 1854, it seems to me that you have placed two very different things in one category.

If it be that you regard the latter as not of binding force upon American residents in Shanghai, because they were not issued by Mr. McLane as a decree, and approved by all the United States consuls in China, it seems to me that their local nature, their character of joint issue or sanction by the only foreign ministers then in China, and their tacit acceptance by the government at Washington for twelve years past, gives all the reasons for the exceptional form, and sufficient approval to their validity and binding nature that can be required.

I should be pleased, however, to learn the grounds of your opinion; but meanwhile I wish you to assure the French consul general that your private opinion will not conflict with your intention to carry them into full effect until they are annulled by the same authority. I regret that I misunderstood the purport of your question last year as to the legal nature of the land regulations at Shanghai, as my reply has led to the impression that we differ on this point, which I think is not really the case.

I am, sir, respectfully, your obedient servant,

S. WELLS WILLIAMS.

GEORGE F. SEWARD, Esq.,
United States Consul General.

G.

Draught for a notification on French reglèments, to be issued by the consuls and representatives of other Powers at Shanghai, as a collective note and protest.

Whereas the treaties of foreign powers with China provide for the complete removal of their respective subjects from the territorial jurisdiction and all amenability to the laws or government of China, and authorize each government to extend jurisdiction on Chinese soil over their respective subjects;

Whereas there is no treaty between the several foreign powers, or any of them, which grants to either or any of them jurisdiction of any kind over the subjects of another government; nor is there any authority in the Chinese government to grant such jurisdiction, since it has already renounced in favor of the several nationalities all its natural powers over their respective subjects:

It is manfest that to form at any Chinese port a municipal body which shall be enabled to levy taxes and to collect them at law, it is indispensable that the authorities of the several nationalities shall concur in creating the rules or regulations having such intent and effect.

Whereas, moreover, the principles thus set forth have heretofore been recognized and acted upon so long ago as 1854, a set of land regulations having been framed by the consuls of Great Britain, France, and the United States of America, then representing nearly the whole of the foreign interests involved, which regulations were approved by the ministers of these powers and by the Chinese government through its local representative, and these having from time to time received the adhesion of other powers, it follows that, until as formally and publicly disavowed and annulled as their adoption was originally notified to all whom it concerned, such regulations must be held to be valid and binding in an especial manner upon the three powers above mentioned, whose ministers and consular representatives signed and promulgated them in the first instance. No such formal and public act of disavowal and nullification having taken place, and land and property having been acquired to a large amount under these regulations, and on the faith of their application to the whole foreign location, as recited in the preamble to the aforesaid regulations, by subjects and citizens of various foreign powers, they must still be recognized and accepted as the code of rules governing the legal status and municipal relations of all the foreign residents within the said limits, and no posterior act of any one of the contracting powers alone can invalidate the anterior rights of property and ex-territoriality duly and legally acquired.

In conformity with these facts and general considerations, the undersigned, consuls and representatives of their respective nations at Shanghai, deem it incumbent upon them to declare, for the information and guidance of all whom it may concern, that they cannot recognize, and do hereby formally deny, the competence of the French or any other government, of its own motion, without reference to and the formal consent of the other powers interested, to promulgate any réglements or municipal laws to be put in force on any part of the foreign settlements comprehended in the limitations defined in the rules already cited and established by common consent. It must at all times be held incompetent to any foreign power to make laws or rules operative on the subjects or citizens of any other state resident in the Chinese dominions; and no laws, rules, or regulations so promulgated can be admitted as having any application or obligatory force whatever upon the subjects of another foreign state.

The undersigned deem it incompetent, in consequence, for the citizens or subjects of their respective nationalities to take any part in the establishment or working of the réglements lately issued and promulgated by the consul general of France at Shanghai. They are not in a position to receive or give any vote, or take any part, either in the formation or working of a municipality or council so constituted. They are, by virtue of their nationality, outside the limits of its jurisdiction, and independent of its action, and therefore disqualified from participation in any of its acts.

The undersigned, considering it desirable in the general interest, and the better to prevent misapprehension, that a public notification should be made by the representatives of each nationality whose ex-territorial rights are, or may be, affected by the réglements emanating from an exclusive French authority, so serve as a formal and public protest against any undue assumption of a power to render amenable to them, either individuals or nationalities, not subject to the French government. And being in full accord, they have hereunto, by common consent, this ——— day of ——— affixed their signatures and seals of office.

H.

Mr. Williams to Mr. G. F. Seward.

LEGATION OF THE UNITED STATES,
Peking, August 3, 1866.

SIR: Referring to my last despatch of the 30th ultimo and its enclosure, relating to the joint action proposed to be taken by yourself and the British consul as to the réglements

lately issued by the French consul-general for the future government of the so-called French concession, I have now to request that you will regard the form of protest enclosed in that despatch as a non-avenue, not at present to be acted on.

This change arises from the explicit orders which have just been received from the British government upon this matter, preventing their consul at Shanghai joining you in issuing the protest, and as I think it not unlikely that some communication may have also been made to the American minister at Paris for the information of the President upon the bearing of these réglements, it will not be advisable to move in the matter until something definite is known; besides, the protest would lose much of its effect unless the consuls of the other two powers, which were parties to the first set of land regulations, should both sign it.

I am, sir, very respectfully, your obedient servant,

S. WELLS WILLIAMS.

GEORGE F. SEWARD,
United States Consul General.

Mr. Seward to Mr. Williams.

No. 34.] DEPARTMENT OF STATE,
Washington, August 7, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 12th of May last, No. 32, relating to the right of foreigners, by treaty, to carry their steamers through the interior waters of China. In reply, I have to inform you that your interpretation of the treaties and public law adversely to the pretension to such right is approved. If, however, it should in the opinion of Mr. Burlingame be just to the Chinese, and in harmony with the interests of the United States, no objection is offered to the proposed plan of Consul General Seward for obtaining as a matter of privilege, under suitable regulations, authority for vessels of the class mentioned in the correspondence to resume their operations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., *&c., &c., &c.*

Mr. Williams to Mr. Seward.

No. 37.] LEGATION OF THE UNITED STATES,
Peking, August 8, 1866.

SIR: It has been reported that a dreadful execution of two Roman Catholic bishops and nine priests, belonging to the mission in Corea, together with a large number of native Christians, took place in March last, attended by circumstances of great barbarity, and under the direct instigation of the highest authorities of that country. Three priests escaped arrest by hiding in the mountains, one of whom, named Ridel, afterwards succeeded in escaping, in a shallop manned by his native friends and co-religionists, to Chifu. The other two are supposed to be still alive in their retreats.

The French admiral was at Chifu at the time, and learned all the particulars of this affair from the refugee party. He has since determined to visit Corea at the head of all his available land and naval force, and obtain satisfaction from what seems to have been an unnecessary outrage, for it was very easy for the Coreans to have sent the missionaries over their borders. He has already despatched a gunboat or two to survey the coasts and channels leading up to the capital, and has himself gone to Shanghai (and Saigon if necessary) to prepare his expedition and return in October.

The full account of the proceedings of the Corean authorities, and what previous acts aroused their fears, or stirred their anger, to suddenly resort to these severe measures, to repress the new faith, will, I suppose, be known by and by;

but enough has been done to furnish an excuse to the French authorities to interfere in the behalf of their countrymen living in Corea. It will probably result in opening the last country in the world which still forbids Europeans to travel or settle in it, and establishing the dominant influence of Christian nations throughout the entire globe, if nothing worse to the independence of the Corean peninsula.

It is rumored here that the Coreans have applied to the Chinese for help to oppose the French, but they can receive no aid from the middle kingdom.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 38.] LEGATION OF THE UNITED STATES,
Peking, August 10, 1866.

SIR: Referring to my despatch No. 30, of April 12, I have now the honor to send you some additional documents connected with the same affair of the desecration of the cemetery at Tangchau, which has been again brought before the authorities by Consul Sandford and Commander Townsend, of the United States steamer Wachusett.

The first (enclosure A) is the report of Mr. Sandford of the results of their interview with the prefect of Tangchau, with remarks on the reply of the intendant (enclosure B) to their complaint of the cavalier treatment they had received from his subordinate. The despatch of Prince Kung, (enclosure C,) respecting the same visit, and my reply, (enclosure D,) together with a letter from Commander Townsend, (enclosure E,) and my answer (enclosure F) to him, and his to the intendant on his departure for Shanghai, (enclosure G,) completes the series of documents now sent. The others connected with the proceedings add nothing material to the facts and opinions herein stated; and if it was not for the dogged obstructiveness of the intendant at Chifu to any arrangement of the matter, I should have hopes of an earlier settlement.

The policy of the Chinese government, both here and in the provinces, has latterly been apparently to delay as long as possible in settling a case, do nothing that costs them trouble, and try to weary out all applications by the power of their vis inertia. The stimulus or the fear caused by the approach of foreign troops to Peking six years ago is losing its former potency. It is very wearisome to be obliged to constantly urge the members of the Foreign Office to do their duty, and oblige the local authorities to fulfil treaty stipulations whenever our citizens suffer wrong, while, at the same time, one feels that they either cannot or will not, or dare not, act efficiently. I think sometimes that they have become utterly discouraged with the multiplicity and urgency of the questions and grievances brought before them for settlement and reparation. The patience of foreign powers will at last be exhausted by this do-nothing policy, and when each begins to vindicate its own rights, upon refractory or recusant officials at the ports, the whole fabric of Chinese government will soon fall to pieces.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Sanford to Mr. Williams.

UNITED STATES CONSULATE,
Che-foo, July 19, 1866.

SIR: I have the honor to inform your excellency that the Wachusett arrived at Yentsi on Tuesday evening, July 10; on the next day, Captain Townsend sending a boat for me, I at once called upon him and paid my respects. We had received orders from Admiral Bell to proceed to Tangchau and investigate the truths there. Having called upon the intendant of circuit, Captain Townsend informed him that he was going to Tangchau, and requested that he would write an official letter to the prefect, requiring him to settle the matter at once; he refused, saying that all was settled. Finding that we could do nothing, we left for Tangchau. On Friday we sent our cards to the prefect, and, owing to the storm, did not call until Saturday, when, accompanied by the missionaries, Mr. Davenport and Captain Townsend, with an escort of 100 men, the prefect received us in company with the sub-prefect, and the district magistrate, (what his position is I do not know.) After some small talk we stated that we had come to demand the arrest and punishment of the perpetrators of outrages committed upon the person and property of American citizens, and the indemnity of 200 taels.

The substance of our conversation amounted to this: We demanded that the prefect arrest the members of the Kung-Kue, together with two others; that they should be brought and tried before us; then on their paying the indemnity, and the authorities giving security that all should be peace in future, he would be satisfied.

The prefect agreed to all except to bringing them before us, but as we felt that all would be useless unless the Kung-Kue were punished, we insisted on that point. At first we requested him to give us in writing what had been agreed upon, but he refused, promising that on receipt of a letter from us, making these demands, he would give us in his answer a guarantee. As some seemed satisfied, we agreed to this. It was distinctly understood that he was to arrest these parties on the morrow, and to try them before us, and that they might not escape, the district magistrate was informed, and agreed that he was responsible, the prefect telling him that he should require him to arrest them. It was all fairly understood, and he was informed what our letter would contain. We sent our communications that evening. On Sunday morning we received a couple of letters, one addressed to Captain Townsend, and the other to myself, informing us that all our demands were contrary to the treaty; and that the American minister had not communicated either with the board of foreign affairs, or with the commissioner of the three ports; therefore, he declined to act authoritatively.

He accordingly left at daylight for Yentsi, calling upon us to follow him.

We immediately left for Yentsi Sunday afternoon, Captain Townsend being desirous to communicate with the admiral.

The prefect by his course has grievously insulted Captain Townsend and myself, and he should be made to feel that to insult the representatives of the United States is no small offence. His course has been such as to make us the laughing-stock, besides detaining the steamer for a long time, and should not be suffered to pass unnoticed.

He ought to have made his complaints before we left him, had he had any to make; but although he was fully informed, yet he made no objections, but promised to arrest the men, and that they should be tried on Monday at 2 p. m. Now, his going off and sending us such a paltry, insulting letter, ought not to go unpunished. Not only so, but since my last letter to you, they have been to work again upon the cemetery, destroying the tombstones; and it is literally impossible now for the missionaries to rent houses, they having tried, but all to no purpose. I, therefore, respectfully request that such steps shall be taken as shall give unto the missionaries all the privileges granted under the treaty, and preserve the representatives of the United States from insult, and that the Kung-Kue may be punished, as I feel all will be in vain if they are not punished. It was matter of regret that the affair had not been laid before the board of foreign affairs at Peking, as that is the loop-hole through which they seek to escape. Now, although we know that the excuse is worthless, yet it is one which hinders us much. I send you copies of my despatch to the prefect, as well as his reply. You will notice that I am requested to return to Yentsi, to act conjointly with the intendant and himself. The next day after our arrival, without having communicated with us, he returns to Tangchau. I may as well state that the reason of Captain Townsend leaving Tangchau was his desire to communicate with Admiral Bell; but on reaching Chifu, he found that the steamer had left on the preceding day, and also learned that the admiral had left for Japan; he was, therefore, obliged to rely upon his own judgment. He sent a long letter to the intendant, a copy of whose reply I furnish you; and as it will probably be reported to Peking, I desire to criticise it.

1. "Gentry and scholars." No demand was made to arrest any of those parties except four, of whom there was strong proof that they were the guilty parties.

2. "Two hundred taels indemnity." By the English treaty, any parties committing acts of despoliation shall make good the damage done.

3. "Guaranty" was simply an official statement agreeing to protect the rights and interests of the American residents.

4 ' They ought," &c. Now, the missionaries have a perfect right to address the authorities in the places of their residences. They as well as myself have repeatedly laid the matter before the authorities at Tangchau and Yentsi, but all in vain; the intendant has told me that his orders were not obeyed at Tangchau, and requested me to take the matter into my own hands.

5. "The captain has no right to take action." A grosser insult I hardly think could be written. The intendant is a man who has the reputation of being intelligent, and for him to write in this style is a great insult.

6. "The prefect subordinate," which we do not deny—but Captain Townsend requested him (the intendant) to give us an official letter to the prefect before he left, but was refused.

7. "Local public business." You will please notice the glaring discrepancy (I ought to say falsehood) by the prefect's letter; his whole object in coming to Yentsi was to consult with his superior officer, and he invited us to meet him here that we might act conjointly.

8. "Deserted his post." I feel that there is every ground for so saying; he had faithfully promised Captain Townsend and myself to arrest the parties, and bring them before us for trial on Monday. His letters informing us of his departure for Yentsi were not received till he had been gone at least three hours, and if a most solemn promise is of no account in their eyes they should be taught that we regard it differently.

9. "No communication has been received by me." It may be that thinking I had not returned from Tangchau he sent my letter there.

10. I feel that to allow him that ground is decidedly wrong.

11. "Instructed him to return." This act shows more than aught else the animus of the intendant; fearing to have us assemble together, he ordered the prefect to return—so in case we should ask any unpleasant questions, he could reply he must communicate with the prefect, and so delay us, and if possible oblige us to give up in despair.

12. "Report to the commissioner." What he means by that I am at a loss to understand. Captain Townsend's letter was firm, but respectful; he stated only facts and the truth. The prefect did desert his post, and to tell him so can be no insult.

13. "Investigate and settle." I would most respectfully but finally deny his right to act thus. The treaty does not say that all and every dispute shall be sent to Peking; but, by the 11th article, it is the duty both of him and his subordinates to act justly and promptly in settling this matter. If he can establish the precedent of referring every trifling affair to Peking, it will be bad. It is all-important that the trial come off at Tangchau; the offences were committed there, and all of the parties, both witnesses and criminals, are there. By what right can he refer this case to Peking to be settled? Captain Townsend and myself have endeavored to treat the authorities here and at Tangchau with all the respect possible; yet their conduct to us has been such as to require much patience and forbearance. They act as if it were a light thing to insult the representative of the United States government. Now, by the last clauses of the 18th and 19th articles of the Danish treaty, "if any officer fail or neglect to punish those who have been guilty of offences against foreigners, they are to be punished themselves by their own government;" and not only have these authorities failed in punishing these parties, but have done all they could *covertly* to assist, and on being requested to arrest and punish by Captain Townsend, have insulted him and myself by this course of action. I desired Captain Townsend to arrest the parties himself, as, by the 11th article, we may exercise the right; but, owing to the orders from Admiral Bell, he will first go to Shanghai, and then return. I would most respectfully request that you will, if possible, have the case referred back to Che-foo for settlement, as it is all-important that it be settled at Tangchau-foo.

I am, very respectfully, your obedient servant,

E. T. SANDFORD, *United States Consul.*

B.

Pau Wei to Commandant Townsend.

[Translation.]

PAU, intendant of the Tang, Lai, and Tsing circuit, &c., &c., makes a communication in reply:

At 10 o'clock last night the intendant received a despatch from the captain, with the contents of which he is thoroughly acquainted. In regard to this matter, the prefect of Tangchau came to Yentsi on yesterday and reported that the captain and the consul, Sandford, had severally sent communications to him, requesting that the gentry and scholars of the place should be arrested and tried in their presence, that two hundred taels should be given as compensation for the tombstones, and that the prefect of Tangchau-foo, together with the sub-prefect and magistrate of Punglai district, should give a sealed guarantee. These three clauses are in nowise contained in the treaty; and moreover, when missionaries of the several countries promulgate their doctrines in China, or have affairs with the natives, they

ought, in accordance with the treaty, to address themselves to the consul of the country residing at the port, that he may communicate with the intendant, that the matter may be carefully deliberated on and settled, these being matters in which the captain has no right to take action.

The above-mentioned prefect of Tangchau is the subordinate of the intendant, and in no matters between Chinese and foreigners can he take upon himself to act, without having previously received instructions from the intendant. He came to Youtai to request instructions from the intendant on local public business, which is in accordance with the fixed rules of action in our country. What ground is there, then, for saying he deserted his post and ran away? For these reasons, the intendant yesterday communicated on the matter with Consul Sandford, that he might take the necessary steps and make a reply. He also strictly enjoined the prefect at Tangchau to the effect that, hereafter, whenever affairs occur between Chinese and foreigners, he must do nothing unauthorizedly, but write to the intendant for instructions, and act in accordance therewith. He also instructed him to return immediately to Tangchau and transact affairs as usual.

Now, on receipt of the above-mentioned communication, the intendant will, in accordance with the 10th article of the American treaty, report the affair to the commissioner of the three ports, that he may write to the board of Foreign Office, who will, in conjunction with the American minister, investigate and settle the matter, thereby conforming to the treaty, and maintaining friendly relations.

The intendant, therefore, makes this reply, requesting the captain to act accordingly.

A necessary despatch. July 17, 1866.

Captain TOWNSEND, *United States Navy.*

C.

Prince Kung to Mr. Williams.

[Translation.]

JULY 29, 1866—(TUNCHI *5th year, 6th moon, 18th day.*)

Prince KUNG, chief secretary of state for foreign affairs, sends a communication:

On the 23d of July I received a despatch from [Tsunghau] the Superintendent of Commerce at the three northern ports, enclosing the following report from the collector of customs in Shantung:

"Very unexpectedly, on the 16th July, Captain Townsend, of the United States navy, bringing the American consul Sandford and the missionaries Messrs. Mills, Hartwell, and Crawford, attended by more than a hundred armed foreign soldiers, all marshalled in order, came to the office of the prefect at Tangchau. The prefect came out and met them, when directly Mr. Hartwell began to gesticulate and wildly stamp about, crying out in a vociferous, scolding manner, and demanding that the prefect must arrest those of the gentry who were preventing him and others from renting houses, and bring them there to the office to be tried and punished before Captain Townsend. He also demanded that a compensation of 200 taels be paid for injuries done to the cemetery and its tombstones; and, lastly, that prefect, sub-prefect, and district magistrate should jointly promulgate an official notification, under their seals, guaranteeing them against further injuries. If these three demands were not conceded, they intended to resort to force.

"The prefect told them that, having received no instructions respecting these matters from his superiors, he could not promise to accede to those demands, and, after reasoning with them three hours, he at last got them to leave the office, but not before the people living near there had began to assemble in a tumultuous manner, complaining that the foreign soldiers had been intruding into their houses and carrying off things, and had even wrenched the bracelets off one woman's hand, and had so terrified another woman, over seventy years old, that she had gone into convulsions, from which they feared she would not revive. They had also gone into a public school and scattered the books and papers about, and had recklessly used their swords to injure and cut things before people's houses. Just then the literary chancellor of the city was coming to his office, when the candidates were assembling in great numbers for examination, and, the violence of these soldiers being threatening, the local authorities had the greatest difficulty in preserving the peace, and preventing a general collision and riot.

"However, the prefect immediately afterwards came by night over to Chifu to state the affair to me; and I subsequently received a letter from Captain Townsend, in which he requested that, as the prefect of Tangchau had run away from his office. I would give orders to the proper officers to carry out the three requests he had made into effect, for if there was any delay in doing so, blood could hardly wash out his anger.

"I have since learned that this Captain Townsend is the same man who, at Yingtse, violently arrested a Chinese named Hu and twenty-one other persons, and that the American Consul Sandford is the same man who is engaged in business in the Tsing-mei, (i. e., Sinico American,) foreign hong, in company with Mrs. Hwa-ni as a partner."

In respect to this affair I may remark, that since the foreign treaties have been ratified,

every affair growing out of them has been managed and settled by the consul of the respective nation and the intendant of circuit, but if it was a more serious matter, which they could not settle between themselves, each party reported the case to their respective superiors at Peking, and waited until the foreign office had conferred with the minister upon it, and each had instructed them how to act. This has been the uniform practice with all nations for these past years, and no one who is not a consular officer has been permitted of his own motion to interfere by violence to settle any affair.

The despatch now received from the superintendence of commerce states that the United States naval captain, Townsend, with Consul Sandford, and the missionaries Hartwell, Mills, and Crawford, attended by more than one hundred armed soldiers, marshalled in order, came to the office of the prefect of Tangchau and loudly demanded of him that he should arrest some gentry who had prevented natives renting their houses. They also required that compensation should be paid them for mutilations and injuries done to their gravestones. This Captain Townsend is doubtless the same officer who, without any reason, arrested the man Hu and twenty-one other persons at Yingtse; but while that matter is still unsettled, he straightway goes to Tangchau and takes occasion to stir up this disturbance.

In his despatch to our officials, he says that he had received orders from the United States minister at Peking, to manage these things; which, if true, proves that your excellency is already aware of all these things. But why did you not in that case meet with the members of the foreign office and confer upon the matter? If such orders were sent to Captain Townsend, it is entirely different from what his excellency Mr. Burlingame has ever done, and furthermore, quite unlike anything which you, who have lived so many years in China, and attended to so many affairs, have hitherto done. You have both always been willing to discuss all affairs with entire frankness. It may be, however, that Captain Townsend, in saying that he had received official orders from you, was in error, and that what he has done was not by your direction.

In respect to this demand to arrest the gentry who had prevented people renting their houses, (to the missionaries,) it seems to me to be sufficient to allude to the case of the Reverend C. R. Mills, who took possession of the house of the widow Hwang Chang, a matter that was entirely arranged by the local authorities and the consul; the widow has paid back all Mr. Mills's outlay for repairs, and he has received the money, and has no complaint. Also, in the case of Reverend P. T. Crawford, who leased a house of one Chau, who got the deed of purchase of one Sun, the local officers required Sun to vacate the premises to Mr. Crawford, and thus they were secured to him peaceably. In these two instances, now settled, the gentry did nothing to prevent anybody renting houses.

The affair of desecrating the cemetery and injuring the tombstones at Tangchau is one which you have not reported to this office. By the report of the intendant it appears that the district magistrate there allowed an American named Danforth to occupy a vacant spot on the hill-top called Siam Hwang-kin, or Little Gold hill, as a burial ground, charging him no rental for it. Although it is true that the tombstones have been defaced and broken, still it is because the Americans have never hired any one to watch the spot. Orders have been issued to search out and arrest the offenders, and proclamations put forth forbidding further molestation. In all this affair, too, the local authorities seem to have done what they could, and it is but right to wait till they can arrest and punish severely every offender. What need, then, has there been to call in the aid and presence of soldiers, and endeavor by violence to intimidate the officials, and force them to pay an indemnity for these injuries?

In respect, again, to the charge against the prefect of running away from his post at Tangchau, it was enough for him that the business in hand belonged to his superior, the intendant of circuit, to manage, which quite justified him in going himself to Chifu to state the matter. He wrote to this effect to both Captain Townsend and Consul Sandford, before he started. What object has the former, therefore, in thus defaming his character, and recklessly charging him with having run away from his post?

Lastly, it is stated that the ungoverned soldiers robbed the people of several things, and terrified an old woman into convulsions. On this point it is enough to state, that our laws make robbery, and threatening people, so as to endanger their lives, offences of the highest grade, and when the replies to the orders now sent to inquire what articles were stolen at this time, and whether the old woman has recovered or not, come to hand, the particulars shall be made known to your excellency.

The treaty between China and the United States has been in force many years, and every effort should be made to strengthen the peaceful relations between our countries, and not resort to force on every occasion with the expectation that it will carry a thing through. With what ideas does Captain Townsend thus take upon himself to land soldiers at Yingtse and Tangchau, and stir up strife and confusion? If your excellency is appointed to reside in China to see that treaty provisions are carried into effect and observed, it is impossible to suppose that you can permit any subordinate officer to act just as he pleases, the meanwhile you neither seeing nor hearing anything that he does.

I have, therefore, carefully gone into detail in the present communication, and have every reason to hope that you will examine this affair thoroughly, and do all that you can to maintain peaceful relations.

His Excellency S. WELLS WILLIAMS,
Chargé d'Affaires of the United States to China.

D.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, August 1, 1866.

SIR: I have the honor to acknowledge the receipt of your imperial highness's despatch of the 28th ultimo, in which you bring to my notice the visit of Commander Townsend, of the United States ship Wachusett, and the United States Consul Sandford, escorted by more than a hundred soldiers, to the office of the prefect of Tangchau, where they loudly demanded that he should seize certain of the gentry who had prevented the Americans living there from renting houses, and that he should also compensate the latter for injuries done to the gravestones in their burial-ground, &c., &c.

On that day I likewise received an account of the same occurrences from Mr. Sandford, the United States consul for Tangchau, from which I have gathered the following particulars:

"On the 10th instant the United States ship Wachusett, Commander R. Townsend, sent here by Admiral Bell, arrived in port. I accompanied him next day to pay our respects to the intendant of circuit, when we requested him to send a despatch to the prefect of Tangchau, requiring him immediately to settle the affair of mutilating the gravestones there. The intendant declined to do so, stating that the matter was all settled.

"On the 13th I reached Tangchau in the Wachusett, and we sent in our cards to the prefect. The next day Commander Townsend and myself, with three missionaries and an escort of about a hundred soldiers, went up to the office of the prefect. The escort were placed in ranks in the court of the office during the interview.

"Commander Townsend then informed the prefect that he had been ordered by Admiral Bell to come to the port of Tangchau in order to investigate and settle affairs there; more especially to demand indemnity for the repeated injuries done to the tombstones of the Americans living in the city, which has been going on for the past four years, and hitherto not a man has been arrested or punished therefor. He accordingly required that the prefect should now arrest them, and that they be fined 200 taels for the damages done to the grave-yard, which would deter them and others from repeating the offence. He also asked the prefect and the local authorities there to issue an edict and proclamation which should guarantee that there should be no more damages done to the burial-grounds. He lastly required of the prefect, in relation to the renting of houses, that the 12th article of the United States treaty should be faithfully and immediately carried out, and that whoever was on any pretext causing disturbance, and hindering the Americans from renting houses, ought to be arrested and severely punished.

"The prefect replied, in relation to these three demands, that he could not instantly carry them out without referring them to his superior, the intendant, for his direction; but that he would willingly order the district magistrate of Punglae to arrest the men who had damaged the grave-yard, to which the latter, who was present, most readily gave his assent.

"All the parties at the interview expressed their desire to adhere to the stipulations of the treaty in every particular. There was no intimidation, nor anything like threatening used, but all took leave of each other with expressions of good will.

"On the evening of the same day Commander Townsend and I sent a despatch to the prefect, containing all the above points as he had agreed to them. But, much to our surprise, next morning a note came to each of us from him excusing himself from another interview, and asking us to go to Chifu, where the matter would be attended to. We accordingly returned there and found that he had gone back to Tangchau. This official had already promised to see us, and he now skulked away, throwing his official duties and words aside in this manner. If such conduct is not shirking his duty and running away, what is it? We had, therefore, no other way but to confer again with the intendant about the settlement of the case, who, in his reply, told me that he must await his orders from the officers of the Foreign Office at Peking, after they had consulted with the United States minister."

After perusing the despatch under reply, and the report from Mr. Sandford, I am able to inform your imperial highness that Commander Townsend having received orders to go to some of the ports on a cruise, reached Chifu, where it was his proper duty to assist the consul in investigating and settling such affairs as needed his aid. When, therefore, he arrested Hu and his fellows at Yingtse, to hand them over to the local authorities for trial, he had abundant reasons for his proceedings, and acted in accordance with the treaty, as I have informed you already in a previous despatch. In respect to his visit to Chifu, I had already written to the consul that when the Wachusett came into port, in his cruise, it would be desirable for her commander to pay his respects to the local authorities, in accordance with Article IX of the treaty, though nothing was said about his taking an escort with him.

In respect to the offence of breaking up the gravestones in the cemetery at Tangchau, I may state that it is a plat of waste land that was obtained, through the kindness of the district magistrate at Tangchau, by the Americans in 1861, and that about a year afterwards the people of the town, without any provocation, began to mutilate and break the gravestones. The district magistrate, Fung, in March, 1864, issued a proclamation forbidding

them to do it, but it had no effect to restrain anybody. In January, 1866, he issued another prohibition, which I had hoped to be of some effect, and had accordingly instructed the consul to endeavor if possible to arrange and settle the affair with the local authorities in the best way he could, as they had already amicably settled the two cases of renting houses.

It was for this reason, the hope that the affair might be settled on the spot, that I have not already brought it before the Foreign Office. However, I now state all these particulars, and have to request that your imperial highness will give such orders to the local authorities that they will attend to the matter, with a desire to act justly, and carry out the demand justly made by Commander Townsend and the consul, so that there shall be no further mutilations of the gravestones, or other causes of offence.

Let me add, too, that it is necessary, when cases arise between natives and foreigners, that the local officials be not allowed to delay and procrastinate in this way. If I am here in Peking, it is not that I do not know what is going on, but the authorities will do nothing themselves, and act as if they had lost their senses.

Can you expect, under such provocation, that my countrymen will sit patiently and never show any anger, nor do anything to right themselves?

In a despatch of December 21, 1865, your imperial highness remarked very properly that the full observance of all treaty stipulations by both China and the United States was the best way to strengthen their amicable relations, and I can do no better than urge on you the importance of this just remark. If the local authorities sit like so many statues, and only delay and keep every case dawdling for years, never settling it nor replying to it, let it be fully known that it will not be my fault, but theirs, if trouble arises, and that I cannot be held responsible for what may occur. During my long residence in China I have always endeavored to act according to justice and courtesy in all my dealings, and can appeal to the knowledge of every member of the Foreign Office that I have never desired to stir up strife and disorder in this country.

I have the honor to be your highness's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c*, *&c.*, *&c.*

E.

Commandant Townsend to Mr. Williams.

UNITED STATES STEAMER WACHUSETT,
Chifu, Ju y 19, 1866.

SIR: I have the honor to inform you that, in obedience to the orders of Admiral Bell, I have come to Chifu for the purpose of investigating the complaints of the missionaries at Tangchau against the Chinese authorities, and finding these complaints just, to take such measures as might prove necessary to secure to our countrymen the rights and privileges of persons and property guaranteed to them by treaty.

I find that our energetic and excellent consul, Mr. E. T. Sandford, has kept you well informed as to the particulars of the case. After a thorough investigation I do not hesitate to indorse his statements, and pronounce the complaints of the missionaries well founded, and deserving of immediate attention and redress. Courteously, and in a temperate spirit, I have sought that redress from the prefect of Tangchau, and from his superior, the intendant of Chifu. It has not only been refused, but I have been very cavalierly told by the intendant that I have nothing to do with the matter. Fortunately for himself and for his subordinate, but unfortunately for us, my hands are somewhat tied by the fact mentioned by the prefect, that "the American minister has not communicated either with the board of foreign affairs or with the commissioner of the three ports." I am desirous and prepared to do anything that may be necessary in order to the protection of the lives and interests of American citizens; and if the arrest of the intendant himself be requisite to that end, I will not hesitate to seize him, even upon his official seat. But your excellency will permit me to say, that, except in emergent circumstances, I would prefer to act offensively, only, after the reasonable resources of diplomacy have been exhausted. You have been pleased to hope that the presence of the Wachusett would have a good effect. With a sufficient yet not threatening display of force, I presented, in firm yet courteous language, just and moderate requests. The prefect solemnly promised to comply with them, and then ran away. From the intendant I met an insulting rebuff, that will prevent my ever again using gentle means with him. Will your excellency excuse the suggestion, that in tunnelling the inflated mass of Chinese arrogance and deceit, diplomatic measures will best succeed when worked from both ends, and that, where ideas are the weapons, the initiative should proceed from the centre, rather than from the extremities. If the demands of the American minister should be powerless in bringing the offenders to justice, and in securing just protection to our outraged countrymen, I shall proceed, under the authority delegated to me by Admiral Bell, to arrest the accused persons, and exact from the intendant and prefect such substan-

tial guarantees that the American missionaries of Tangchau shall ever after enjoy their unpretentious rights, "with none to molest them or make them afraid."

As the Wachusett has been away from all sources of supply for more than three months, her stores of all kinds will soon require replenishment; and I have concluded to occupy the interval that must necessarily occur, before the impulse your excellency will communicate to the board of foreign affairs can be improvingly felt at Chifu and Tangchau, by running down to Shanghai, for the purpose of obtaining much-needed supplies. I shall sail on Saturday, the 21st instant, and will probably be absent between two and three weeks. I trust your long experience in Chinese affairs, and your thorough acquaintance with the Chinese character, will enable you to put matters in such train that the Wachusett shall suffer but slight detention when she returns to Chifu. The long and tedious negotiations at Niuchwang deprived us of an interesting cruise among the ports of southeastern China; and I earnestly hope that this Tangchau affair will not too greedily encroach upon the pleasant visit to Japan, that we have long been looking forward to with most agreeable anticipations. Even now, I doubt not that the admiral is looking from day to day for the Wachusett to rejoin him at Yedo or Osacca, and thither our longings would lead us. But I have never shirked duty, however disagreeable; and I feel that it is my duty to attend to this Tangchau affair, until it be satisfactorily settled. Will your excellency oblige me by giving to its progress all the speed that may be derived from earnest, persistent appeals to the foreign office.

FRIDAY, *July* 20, 1866.

I beg leave to enclose herewith, for examination and reference, copies of the correspondence that has passed between the Chinese officials and myself. It consists of the following documents, viz:

My letter of July 14, to prefect of Tangchau.
Reply dated July 15, from prefect of Tangchau.
My letter of July 15, to intendant of circuit, &c.
Reply dated July 17, from intendant of circuit, &c.
My letter of July 20, to intendant of circuit, &c.

As you will perceive, the letters of the mandarins are faithful copies of the Chinese originals.

I will only draw your excellency's attention to the conflicting statements of the prefect and the intendant, in regard to the former's object in visiting Yentsi; fortunately, in this case, the falsification is written out and cannot be denied. The truth rests with the prefect, who is a much more honest man, though far less clever, than the intendant.

Your excellency will perceive, by his own admission, that the intendant alone is responsible for the treatment of foreigners in his circuit. This only confirms the opinion I had drawn from the connected facts, the history of the case, and I do not hesitate to charge Pau-Wei, intendant of Tang, Lai, and Tsing circuit, as the chief criminal in this long-continued series of outrages upon the missionaries at Tangchau. I earnestly entreat your excellency firmly to demand the removal of Pau-Wei from his office, as an all-essential requisite to peace and harmony between Chinese and foreigners in the circuit that he now misgoverns.

I have the honor to remain, very respectfully, your obedient servant,

ROBERT TOWNSEND,
Commander U. S. N., Com'dg Wachusett.

Hon. S. WELLS WILLIAMS, LL.D.,
United States Chargé d'Affaires, Peking.

F.

Mr. Williams to Commandant Townsend.

LEGATION OF THE UNITED STATES,
Peking, August 2, 1866.

SIR: I beg to acknowledge, with thanks, your communication of the 19th July, with its enclosures, giving the leading particulars of your visit to Tangchau, and the interview which you had with the prefect and other local authorites, respecting the grievances suffered by our countrymen there. The result of this interview with these officials, like many previous instances, was not so satisfactory as you desired in its immediate results, but will at least give them some new ideas respecting the position and intentions of the United States.

I have received a communication from Prince Kung upon this matter, in which he quotes from the reports of the local authorities, who, as usual, wish rather to exonerate themselves and implicate others than to give a true statement of facts as they occurred. I have sent a translation of it to Consul Sandford, who will give you a copy, and have this day replied to it by a plain recital of all the important incidents, as given by yourself and the consul, so as to set the object of the visit in its true position.

I have also given the reason for not having previously mentioned the desecration of the

graves, having been still in hopes that the last effort of the consul to get redress would effect some good. I have requested Prince Kung to send such orders to the intendant and prefect as will compel them to fulfil the demands made on them at Tangchau, and have done all I could to support the action of yourself and the consul. I have hopes that they will take some steps to redress the grievances complained of.

Having thus stated what I have done to uphold your action, I wish to state here that the principle on which the treaty powers have agreed to co-operate in carrying out their treaty stipulations is to act through the central government, strengthening its influence as much as possible, and infusing what vigor we can into its working. We find that in practice the Emperor has come gradually to depend on his prestige and acknowledged position for the maintenance of his power, while that has, in a great measure, really passed into the hands of his provincial officers, who are made responsible for the peace of their several districts. These latter are acquainted with the weakness of their superiors, but yet none of them wish to overthrow the system, and we are sure, from the events of the last ten years, that nothing better than the present *régime* is yet available to govern China and prevent its ignorant multitudes becoming the undisciplined troops of rival chiefs We, at Peking, can see the shifts and excuses of an effete ministry to hide their real inability to carry into effect those orders which they approve, but which their provincial subordinates evade or nullify with impunity. Some of these orders cannot be executed sometimes, even by their best disposed officials. If the gentry and people combine in opposition they are usually too much for the rulers; and if the latter (as in cases affecting foreigners and their treaties) have rather a feeling for the gentry than a desire to act against them, and do what the treaties require, they delay, and excuse, and falsify, *ad libitum*. Still we must take things and people as they are, and do what we can to better them, and during the six years that foreign ministers have resided at the capital a little progress has been made in getting the central government to fulfil its treaty stipulations by its recognized authorities. Entreaty, expostulation, warning, instruction are all brought into action, and the officials here begin to see that we are promoting peace and good order by requiring treaty rights to be observed. Under the earlier treaties a resort to force to coerce unwilling provincials was the only remedy But, in the long run, moral suasion and a continual gradual pressure, exercised at the centre, will produce more permanent effects in elevating the Chinese to a full understanding of their rights and duties. As a last resort, no doubt, force must be used to obtain satisfaction and redress, but on the whole the treaties have been better observed, by both parties, than in former times. They have become to be regarded, as in fact they are, as great charters of international intercourse, and we find that most progress is made by constant reference and adherence to them in all our relations, and the provincial authorities are learning to recognize the same thing.

By referring to the United States treaty, therefore, you will see that the intendant is right in recognizing only the United States consul as the medium of official action, and you will, I think, be able to effect more by supporting the consul than by carrying on the correspondence independently. From some expressions in your letter as to what you may be obliged to do, I take the liberty to state to you, however, as I cannot do so in time to the admiral, that in any case except that of an attack on United States citizens—in which case you have your own orders—that an arrest of Chinese officials, by United States troops, will only retard and complicate the matter, and defeat our common object. I strongly urge this point that you will not even threaten such a thing, for it will neutralize much that we have been trying to build up, to have you resort to any exercise of force to bring about a settlement of this case until every other possible diplomatic action is exhausted. The case at Tangchau is different from that at Yingtse. It is of long standing and not imminent, and, therefore, a good one for the best efforts of all parties to bring about a peaceable settlement. And such a solution, it seems to me, is more likely to further the best interests of the cause in which our countrymen residing there are engaged. Whatever good effects the landing of marines could bring about were doubtless accomplished by your first display, and I think future interviews will be more satisfactory if the native officials do not feel overawed, or lose their dignity in the sight of their own subjects.

The most likely plan to succeed, if I may be permitted to suggest, is to take the thing patiently, tell the officials that you are present for no other purpose than to see that the Americans in Tangchau are protected in their rights, and can wait awhile to see that they carry out the stipulations which they acknowledge and the orders which they have received. The officers themselves are placed in a dilemma that demands some consideration; having the proud gentry on one hand, who can effect their disgrace and removal, and their superiors on the other, who will punish them if peace be not maintained. The officials at Tangchau have heretofore shown considerable desire to arrange matters quietly, and I should think that you and the consul could now effect the object in view by courteous, but firm, conduct.

I have dwelt on this subject a little, for your letter encourages me to state my views as fully as you have your proceedings. With many thanks for your kind notice of my works, which, I am happy to learn, have assisted you somewhat,

I have the honor to be yours, very respectfully,

S. WELLS WILLIAMS.

Commander ROBERT TOWNSEND, Esq., U. S. N.,
Commanding United States Steamer Wachusett.

G.

Commandant Townsend to Pau Wei.

UNITED STATES STEAMER WACHUSETT,
Yentai, (Chifu,) July 20, 1866.

I have the honor to acknowledge the receipt of your excellency's despatch of the 17th instant. As your excellency is pleased to declare that these are matters in which the captain has no right to take action, it would be but a waste of time and patience to bandy further words between us. I will simply remark that I can be advancing no new truth to a gentleman who has so assiduously cultivated foreign literature as your excellency seems to have done, when I state that to the actions of men-of-war are due in a great measure the treaty engagements that China has entered into with the western powers; and I may add the obvious corollary that, except for the presence and occasional interference of men-of-war the unpalatable provisions and stipulations of these treaties would seldom, if ever, be carried out. With the experience I have recently had, I may be excused for expressing the belief that if the relentless exigencies of a domestic war of unparalleled magnitude had not compelled the government of my country to temporarily withdraw its ships of war from the coasts of China, there would have been little occasion for Admiral Bell to despatch the Wachusett to New Chwang and Tangchau with orders to demand redress and satisfaction for cumulative insults and outrages. I have forwarded to the American minister at Peking the correspondence that has passed between your excellency, your subordinate, the prefect, and myself; and I shall await the action of the minister in the premises.

Business calls me to Shanghai for a short season, and I shall sail to-morrow. The minister will have prepared the preliminaries to such action as it may be necessary for me to take against the period of my return.

I have the honor to remain, very respectfully, yours,

ROBERT TOWNSEND,
Commander U. S. N., Commanding Wachusett.

His Excellency PAU WEI,
Intendant of the Tang, Lai, and Tsing Circuit, &c., &c.

Mr. Williams to Mr. Seward.

LEGATION OF THE UNITED STATES,
No. 39.] *Peking, August* 15, 1866.

SIR: Referring to my despatch No. 33, of 21st May, I have now the honor to send you a series of documents connected with the events mentioned in it, and the arrest and trial of the men who attacked Mr. Knight at Niuchwang.

The first two (enclosures A and B) contain the report made to the Foreign Office by the local authorities, who, as usual, contrive to give a distorted account of what happened, that their own helplessness and dilatoriness might not appear to their superiors, with my reply correcting its errors. The next (enclosure C) is Consul Knight's report of proceedings with the authorities, and his letter (enclosure D) to those who composed the court held at Yingtsi to try the prisoners; but it seems to me unnecessary to send you copies of any others of the enclosures referred to in his report, as that contains all the important facts. The last (enclosure E) is my despatch to Prince Kung, requiring that the decision of the court be carried into effect.

From all these papers you will perceive how difficult a task the Chinese government finds that it has undertaken in engaging to carry out the provisions of the foreign treaties with such inefficient means as it has at command in its provincial officers, and how the evidences of weakness in every part of the administration multiply. Yet, I believe that foreign nations are doing the best thing for this government by urging the execution of its treaty obligations and helping it to do them. The people, who on the whole are industrious and peaceful, and continually deriving benefits from foreign intercourse, form the basis of encouragement to those who would reform and invigorate a prejudiced and ignorant class of rulers.

Mr. Knight speaks again of the important aid rendered him in his interviews

and correspondence with the officials by Mr. Davenport, whom I mentioned in my other despatch. He also aided Commander Townsend at Tangchau and Chifu. I can but again express my own strong hope that the United States government will ere long also have an efficient body of interpreters in its consular service in China.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Prince Kung to Mr. Williams.

[Translation.]

MAY 25, 1866.

Prince KUNG, chief secretary of state for foreign affairs, herewith sends a communication:

I have very recently received a despatch from the commander-in-chief of the province of Shing King, in Manchuria, enclosing the following report from the military and civil magistrate at Niuchwang:

"On the 31st of March last, a man named Chin Hi Shing had an altercation with another native called Chang-Tuh Tsze, a coolie employed at Messrs. Knight & Co.'s hong, whom Chin had asked to return a fur jacket formerly borrowed of him. High words passed between them, and finally they came to blows, when Chang went and brought up four foreigners to help him, who thronged the door, seeking to join the brawl and firing off their guns. This caused Chin and his party to use their weapons and defend themselves, whereby two of the foreigners were wounded.

"The district magistrate of Hai Ching had seized one of these men, named Fang Ching, and was actually examining him, when Chang-Tuh-Tsze appeared, having stirred up Mr. Knight, the United States consul, who came with some other foreigners, all armed, to the office to represent the circumstances which had taken place. The magistrate thereupon readily promised to take immediate measures to arrest and punish the offenders severely; but not long after they had left him, one of the village constables came and reported that over twenty foreigners had come from the eastern end of Yingtsi to find the residence of Chin, where a brawl had occurred in which a native named Tsui had been shot dead, and four others wounded, one of whom named Tsau was likely to die from his wound. The magistrate thereupon went to the spot to learn the facts, and ordered his policeman to arrest Chin and all his party without fail.

"Most unexpectedly the consul, accompanied by forty or fifty foreigners, all armed, then came to the office to see him, and insisted that he should burn the house where Chin lived. He again and again tried to dissuade Mr. Knight from this proceeding; but they would not listen to his remonstrance, and constrained him to go with them to the place on the 2d of April and order Chin's houses to be torn down. This did not satisfy them altogether; but the magistrate at last was able to stay further demolitions and get them to disperse. He has since arrested four of the party, named Chang, Wang, Kan, and Chu, and now reports the affair for my action."

I have also received another report (says the commandant) from the collector of customs of the Shanhai collectorate, who tells me that he has had a personal interview with Mr. Knight, who had requested him to ask the commander-in-chief at Mukten to have a special officer sent to Yingtsi immediately to inquire into and settle this matter.

On receiving the above despatch, I recurred to the 18th article of the treaty with the United States, which says, "If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances, endangering life, the officers of the two governments will exert themselves to enfore order and to maintain the public peace by doing impartial justice in the premises."

Now, in the present instance the dispute of Chin and Chang was wholly between two natives at first, and even when the latter had obtained the aid of foreigners to go with him to the other's house, it was nothing more serious than a brawl between natives and foreigners; but when Chang had incited Mr. Knight to bring a posse of men with him, who fired their guns in the melee and killed the man Tsui, and superadded to this by forcing the district magistrate to demolish the houses in the presence of the people, it was going too far. If such a wide departure from justice is allowed, how can the provisions of the treaty be upheld and the minds of all conform to them?

However, since I hear that Mr. Knight has requested that a suitable and discreet officer be sent to Niuchwang to inquire into this affair, I have madeknown to the commander-in-

chief and mayor of Mukten, immediately to select an officer of energy and ability and send him to that place to join with the collector in investigating this thing to the bottom, and decide it as soon as may be with the least favoritism and delay.

I will accordingly await the reception of the report from the officers in Shing King in respect to it, when the whole circumstances will be made known to you, and now content myself with informing your excellency of what has been done, that you may make it known to the consul for his guidance.

(Tungchi 5th year, 4th moon, 12th day.)

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affairs.

B.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES.
Peking, June 1, 1866.

SIR: I have the honor to acknowledge your highness's despatch respecting the affair at Niuchwang, in which Mr. Knight is charged with having led on some foreigners, who caused the death of a Chinese by firing their guns, and after this had some houses pulled down; and to state, in reply, that I have recently received the following report of the occurrences from the consul.

"On the 31st of March I found that one of my servants was absent from the house; and on inquiring learned from the others that he had been seized by the sword-racks for some cause or other unknown to them. Having great doubts about their statement, I deemed it advisable to go and inquire for myself into the matter, and took three countrymen with me. We had reached the neighborhood of a temple called Lau-ye-miau, when I met my servant coming towards me, but his replies to my demand where he had been were so confused, that in order to ascertain more clearly the reasons why he had been seized, I compelled him to go back with us to show me the house. We had just come to the corner of its wall, when out rushed several men armed with swords and guns, from two opposite doors, and came at us firing their guns when not over fifty or sixty feet distant. Their fire wounded three of our party.

"Finding ourselves attacked by these ruffians in this unprovoked manner, and having no means of defending ourselves against them, I instantly turned back, dragging and supporting one of the wounded men as well as I could, down to the river-side, where the sword-racks stoppped their pursuit of us.

"As soon as I reached my office I wrote an account of the attack to the collector of the port, demanding that they be instantly arrested and punished. After some hours a reply came, but it was so unsatisfactory, and being afraid also that there might be no means of identifying the criminals when taken, I decided in the afternoon to visit the district magistrate at his office, there to explain all the circumstances. I was escorted by several foreigners, armed, and accompanied by Mr. Davenport, the interpreter of the British consulate. This magistrate begged me to exercise some patience, and he would do all he could to arrest and punish my assailants.

"After we had left his office we decided to return by the southern street, the streets everywhere being quiet, in order to look for a small dog that had been missing since morning. but of the residence of these sword-racks I was totally ignorant. Presently we noticed an armed horseman following us, whom I recognized as one of the men who had pursued me in the morning. Fearful lest there might be persons concealed in this street, I retraced my way a short distance and took the northern street. We had not gone far when we saw a man on a house-top pointing a gun at us, and then recognized the house as the place where the sword-racks lived. There was now no other way but to go on; and we had just reached the opening of a cross-street, when a body of men came rushing down and firing their guns in quick succession directly at us. There was no alternative but to reply to it; and from its results we were able to go the rest of our way home without molestation.

"The next day the district magistrate came to see me, when the British and Prussian consuls being present, we learned, after a good deal of questioning, that he had allowed the sword-racks to escape during the night. We all then urged on him the propriety of destroying their houses entirely, in order to serve as a warning to all lawless miscreants for the future."

From the preceding narrative of the consul respecting this affair, it is fully shown that when the first attack was made on him he had no arms with him to use against the assailants, and further that the foreigners in the second instance did not fire until they were attacked. The demolition of the houses was done after a long conference with the district magistrate in company with other consuls. and that official was not at all forcibly compelled to do it. The commencement of the affair was simply that Mr. Knight wished to ascertain why his

servant had been seized, and this servant by no means had been inciting his master to come and take his part in the quarrel.

Your imperial highness now informs me that you have directed that an able and energetic officer be immediately sent to Yingtsi, with powers to sift this affair to the bottom, and decide it according to justice, and shall inform Mr. Knight, that he may be prepared to join in the examination of the case.

I have the honor to be, sir, your highness's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, &c., &c.

C.

Mr. Knight to Mr. Williams.

CONSULATE OF THE UNITED STATES,
Niuchwang, June 4, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 16th ultimo in reply to mine of the 15th of April, with enclosures, referring to the attack made upon myself and others by the sword-rack Chin and his band.

I have now the pleasure to inform you that the United States steamer Wachusett, Commander Robert Townsend, arrived at this port on the 5th ultimo, despatched hither by Admiral Bell immediately on learning of the attack above mentioned, with instructions to investigate the case, demand the punishment of the criminals, and secure the future immunity of American officials, and also of all American citizens, from similar high-handed assaults upon their persons and upon their lives.

I regret to say that up to that time, owing partly to the presence of a number of banditti near here, but principally to the bad management and utter want of co-operation of the local officials, I had not received any communication regarding the arrest of the criminals Chin and others, neither could I induce any of the magistrates to visit this port with such a view. Indeed the place had been utterly without law for a month, and completely under the control of these armed sword-racks.

The growing urgency of the case, together with the important circumstance of Captain Townsend's arrival, rendered it imperative that I should take some measures to force the local officials to act, and agreeable to my request I received a visit in the afternoon of the 6th ultimo from his excellency Ching, his imperial Majesty's superintendent of customs, who was the only official in the place, Captain Townsend being present.

The result of the interview was simply this: his excellency Ching informed me that although his position at this port was nominally as superintendent of customs, he has received powers from the Foreign Office enabling him to confer with the local officials with a view to spur them on to a correct performance of their duties; that in the matter of arresting the ruffians Chin and others, he has repeatedly written to district magistrate Hao, before his departure from Haiching, also to Wu, the district magistrate of Kai-chou, urging them to move in the matter as the simplest law and justice required, but that these gentlemen had not replied or noticed his letter in any way.

He confessed with regret that I had every ground for complaint, and that he was confident the local officials must suffer when the facts were made known to their superiors at Peking; but as he had now taken every step in his power, having neither force nor authority to make arrests, all he could do further was to forward, according to my suggestion, a despatch from me to his excellency the governor-general of this province, representing the existing circumstances, and requesting that a competent officer be instructed to proceed to this place who shall have authority to arrest and punish my assailants.

Accordingly, on the following day, May 7, I addressed his excellency Ching despatch No. 88, copy of which I beg to enclose; also copy of Captain Townsend's letter which accompanies mine. All that remained then to do was to patiently await the arrival of the governor general's reply, or his representatives.

Although I continued to hear indirectly that one of the Chin brothers and five others had been arrested at Haiching, I received the first official communication of the fact on the 15th ultimo, in a despatch from Chu, then acting magistrate until Wu arrived to fill Hao's place, which informed me that one of the Chin brothers had given himself up for trial. I enclose copy of my despatch No. 90.

On the 5th ultimo I wrote to the four local officials, informing them of the arrival of the United States steamer Wachusett, and requesting them to visit this place at their earliest convenience on matters of mutual importance: but as only one, his excellency Yuh, his imperial Majesty's commandant of Niuchwang, has replied, and since rumors had reached me that unfaithful accounts of the attack on myself had been forwarded to Peking, I thought proper again to address the four local officials, as per despatch No. 93, copy of which is also enclosed.

From this date till the 29th ultimo nothing of importance occurred. The quietude of the

place may, perhaps, be attributed partly to the presence of five hundred imperial troops who arrived from Tientsin on the 30th ultimo, (the evening before the Wachusett,) but the real gratifying feeling of security often expressed by the native people is owing to the stay of the United States steamer.

I am sure it will afford you much pleasure, sir, as it has satisfaction to myself, to learn that while awaiting some action on the part of the governor general at Monkden, Captain Townsend kindly offered to survey the bar at the entrance of this port, and place in position two buoys which I had purchased by permission of Mr. Inspector General Hart.

The work is now accomplished, and a great boon conferred on this port and those interested in the coasting trade of China, which I am confident will also be duly appreciated by his imperial Majesty's government.

On the 29th ultimo I received a visit from his excellency Ching, his imperial Majesty's superintendent of customs; Yu, his imperial Majesty's commandant of Niuchwang; Wu, his imperial Majesty's district magistrate of Kaiping; Yuh, his imperial Majesty's district magistrate of Kaichau; and Kuei, an officer, who informed me he had been instructed by the governor general to proceed to this place to assist in investigating the case of attack in question. The superintendent, Ching, commenced by saying that he had written to his excellency the governor general as he promised, and the result was, that those present were specially empowered to investigate the case, and only now desired to know what course I wished them to pursue; that District Magistrate Wu had arrested one of the brothers Chin and five others, who were in prison at Haiching. To make certain that all were conversant with my version of the affair, I produced a copy of my despatch to District Magistrate Hao, and then informed them that I demanded the immediate arrest of the Chin brothers, and all others of my assailants, and their trial and public punishment at this place. In reply to their many questions and arguments, I told them that they could not regard more than myself the trouble this matter caused to all concerned, but that I was confident it was the only case on record of a dispute between Chinese and foreigners where there was not something to be said for both sides; but that, in this instance, argue as they would, I had the entire right on my side in every particular; that the insult offered to the representative of the United States and wounding of his countrymen was of so grave a nature that my government was bound to demand and obtain satisfaction; that the delay which had occurred, in at least the arrest of the criminals for trial, has made matters worse, and that many an official had of late been degraded from rank for far less want of tact and ability; that it was useless to ask me how many men I wanted arrested, or their names, for thousands in the town knew them; but if such information was necessary, which I very much doubted, they could either inquire of the occupants of the houses in the sword-racks' neighborhood, ask his excellency the commandant of volunteers, or compel the one brother Chin and others under arrest to disclose the names of their associates. I then learned that it was the duty of District Magistrates Yu and Yuh, of Haiching and Kaichow, to make the arrest, saying that I had heard that they had no prison here; but if such were the case, the prisoners could be placed on board the United States steamer Wachusett; that, with 500 imperial troops, they could not plead want of force; or in such want, Captain Townsend had already offered his assistance.

After a long conference, the character of which you will readily comprehend from your long experience with these people, I would call your attention to the fact that not one argument was offered against my right in the matter. The only objections put forward seemed to be efforts to avoid if possible arresting the most noted ruffians.

They asked if I had any objections to their trying the six criminals already caught. I answered, not the slightest; but continued to demand the arrest of others, who were this moment in Yingtsi, riding about armed, and had publicly boasted that the mandarins could not take them.

I am now glad to say that the interview resulted in my entire refutation of every argument or objection they had, and a promise on their part at once to effect the arrest of the three brothers Chin.

At this moment of writing I am glad to say I have received a communication informing me of the arrest of another brother Chin, and have hopes that others of the band may be taken.

In reference to your excellency's despatch now under reply, I am anxious you should know that the destruction of the sword-racks' houses has never been once referred to or mentioned since by any of the authorities at one of our interviews. It was distinctly understood at first that the destruction of their den was but a slight and primary step towards the fullest punishment they so thoroughly deserved. But among all the extraordinary excuses ever offered by men anxious to find a way to avoid doing their duty under difficulties, the local mandarins have never thought of placing the matter of two mud buildings against so outrageous an insult. The cost of the buildings was a mere bagatelle to the sword-racks, who have ample ill-gained means, and the demolition served only as a warning to the poorer coolies when tempted to join such bands.

In regard to the details of the case, none other can be offered but mine. The scoundrels cannot deny having fired upon me in the morning in the open street, before I had reached their houses, or they had the slightest idea of my intentions or destination. The attack in

the afternoon was simply graver in character, from the fact that I was clad in my official dress, for the ruffians, without doubt, knew in the morning I was a consul. Again, in the afternoon, they not only fired the first shot, but discharged at least a dozen jingalls and matchlocks before I had made the slightest demonstration; and subsequent examination of the spot has convinced every one how closely we were set upon, the walls and houses being quite battered with shot and ball.

I quite regret now not having forwarded a list of the wounded; but as every one was under medical treatment, I propose to enclose a statement from Dr. James Watson.

Of the results of our firing there were so many reports afloat I thought best to swait any statement on my part; but I now learn from the authorities that we killed one on the spot, another died the next day, and that four are yet confined to their beds with wounds. It should not be forgotten that these killed or wounded were but poor coolies, who came to the front, while the cowardly leaders escaped by dodging behind the walls, and are able to continue their former old habits of life with greater insolence.

The intimation that a large supply of fire-arms had been brought to Yingtsi is utterly untrue and easily refuted. During the time that this port was threatened by outside banditti in April last, there were not a sufficient number of rifles belonging to foreigners to arm every man, so that I was compelled to borrow from Mr. Meadows, her Britannic Majesty's consul. six of her Majesty's Enfields; and knowing that every native in the place that could be induced to carry weapons during the panic was stationed behind earthworks and redoubts surrounding the town, I, with others, made repeated visits to their camps, in order to ascertain how many foreign guns they had, and may safely say that one dozen old ships' muskets, nearly useless, were all that we could find.

The "Chin" band had, during their attack on myself, one double-barrelled fowling-piece and two brass blunderbusses of foreign manufacture, which, I am told, were loaned them by the noted sword-rack Hoo, the greatest rascal in the province. But I have since issued a circular to those under my jurisdiction. declaring the heaviest penalty to ship-masters, and deportation to residents, known or convicted of selling foreign arms to Chinese.

I have no hesitation in saying that this affair of mine with the sword-racks may be of the very greatest benefit to this port.

Matters are now brought to some issue; a slight quarrel has already occurred between the imperial troops and the sword-racks, in which one of the latter was soundly bamboozed, and it is to be hoped that, as the local mandarins have it in their power, they will join in one united action toward the suppression of these bands.

I hope, with the presence of the Wachusett, I shall finally succeed in having nearly all my assailants arrested and tried at this port; but what is of far greater importance, if foreigners are to reside here, is their public punishment *in this place*, and to this aim I would draw your earnest attention.

The authorities at first intimated that orders must come from Peking before they could punish these men; afterward they admitted that the governor general could control such matters; but I have throughout refused to believe such to be the case, and have told them repeatedly that had the offence been committed against one of them the man would have lost his head without any trial.

It is really of the very first importance that these men should receive their punishment in this place, both that these people may be terribly warned in future against pursuing a lawless course of life or interfering with foreigners; and I sincerely hope to learn that the foreign office may be just enough to concede this point, and forward orders to such effect without loss of time.

Regarding the claim for 2,000 taels as indemnity to those who have suffered severely in pain, expense, and loss of time, the feeling here is general that the amount named is too little.

It is with the greatest regret that I have to inform you that one of the men who accompanied me on the day when the houses were demolished was accidentally shot by the discharge of a gun, wounding him so severely it was found necessary to amputate his leg. Although this man did not receive his wound directly from these sword-racks, it nearly amounts to the same thing, as his presence with others was thought necessary to the consul, and he was at the time virtually watching American lives against ambush or surprise.

The amount claimed, 2,000 taels, I wish to divide among the poor fellows who have suffered, proportionably to their wounds and position in life, and am confident that unless I am able to gain this simple act of justice from the Chinese I cannot again ask my countrymen to come forward on a similar occasion. Men cannot be expected to risk their lives in defence of the American flag or for the general safety of the community if they are to be left uncared for when wounded; and if all these occurrences are brought about through the negligence of the Chinese they should be made to pay.

It has been my desire when writing complaints against the authorities of this place to conclude with the suggestion of a remedy, according to my just judgment, and now that I am familiar with the local circumstances, I am confident the following arrangements are imperatively necessary toward the better government and consequent improvement of trade at this port:

First, the establishment of an officer who will reside permanently at Yingtsi, who will ex-

ercise judicial powers, more especially in all matters relating to foreigners, over the inhabitants of this town and those of the neighborhood within a circuit of twenty miles, and who will be the equal in rank of the treaty consuls.

Second, the retention here of 500 disciplined troops, who will be directly under the orders of the officer above referred to.

Third, the determined suppression of the sword-racks, or avowedly lawless classes. The leaders, some ten in number, could easily be arrested, and the fire-arms of the various gangs, which are stored in the houses of the former, could without difficulty be seized by the troops now stationed here, and the capture of their chiefs, the loss of their arms, and the knowledge that any attempt on their part to revert to their habits of extortion and cruelty must entail prompt and severe punishment would effectually prevent the subordinates from pursuing such a course. To arrive at this last result, all that is required is the display by the government of a little moral courage. The sword-rack organization, recently, has been assuming more formidable proportions; but in previous years the local authorities could at least plead the absence of all means of suppression Now, this excuse is no longer available, and if, notwithstanding the presence of what there is every reason for believing to be an orderly and well-led body of soldiers, ruffians who have been repeatedly guilty of murder, and of murder aggravated by the most hideous cruelty, are still able to carry on their outrages, to parade as they do at the present day the streets as well clad as the wealthiest merchants, to boast of the dread they generally inspire, and of the influence they exercise over officials of high rank, his imperial Majesty's representatives at this port need not be surprised if they are accused of complicity in the crimes of these men. The innovations now proposed would unquestionably result in a reduction of expenditure. The incomings of the superintendent of customs would well suffice for the officer whose appointment is suggested, and who might unite in himself the two functions, while, were the sword-racks suppressed, there is good reason for believing that at least two-thirds of the 20,000 taels annually required for the maintenance of the disciplined garrison would be willingly provided by the shopkeepers, merchants, and owners of warehouses, who now suffer not only pecuniarily, but sometimes in their family honor, and not unfrequently in person, from the daring of these bands.

As the bearer, the steamer Japan, goes directly to Tientsin, I am glad to think this will reach Peking in four days, and trusting, sir, you approve of my suggestions that the foreign office should transmit orders to the local mandarins here to the effect that the Chin family shall pay an indemnity of 2,000 taels, and that the men convicted of the deadly assault on myself and others shall receive punishment at this port, I shall feel extremely obliged if you will forward your reply and advice as soon as possible, per courier, overland, that it may reach me in about sixteen days from date, which is as long, I fear, as I can persuade Captain Townsend to remain at this port.

I earnestly trust, also, that his imperial Majesty's government may see the force of my proposed arrangements toward the better government, and consequent improvement of trade here, as I am certain no other plan will ever make this a safe place of residence or effectually improve the commerce of the port, which is now in a very unsatisfactory state.

I have the honor to be your obedient servant,

FRANCIS P. KNIGHT,
United States Vice-Consul.

His Excellency S. WELLS WILLIAMS,
Chargé d'Affaires of the United States, Peking.

D.

Mr. Knight to Ching et al.

CONSULATE OF THE UNITED STATES,
Niuchwang, July 6, 1866.

SIRS: Having had the honor to be present during the trial of Chin Hi-Shing and seven others, who were arrested as implicated in a deadly assault on myself on two occasions, on the 31st of March, it affords me much pleasure to testify to the great fairness, forbearance, and justice displayed throughout; and I now beg to thank you for the serious care and attention you have bestowed during the investigation, and for a sealed copy of the evidence adduced.

While I have been desirous that the Chin band should be brought to deserved punishment in a body for the insult offered to the United States government in the murderous attack made on its representative, I feel that I am but doing my duty in demanding that they should also suffer in estate, and in advancing the claim for damages against them of my countrymen and others, whom they wilfully wounded and prevented for a time gaining their livelihood. There were seven, including myself, of my party wounded, but damages are only claimed for five, who, besides suffering great pain, were incapacitated for work for upwards of a month, during their busiest season. They complain that their season's prospects have greatly suffered,

and call upon me to assist them. I have carefully considered their several claims, and after reducing as much as possible, find that it will require 1,500 taels to justly satisfy them.

In my despatch of the 21st ultimo, I had the honor to request the arrest of three noted sword-rack ruffians, known as Hu Tai, Hu Lau-san, and Hu Lau-sz, charging them with being accessories before the fact to the assault on me and others. During the interview at my house on the 20th Captain Townsend informed the commissioners and district magistrates that he had waited a long time for the imperial authorities to mete out justice in this case, and that after waiting a few days longer for them to make arrests, he should feel that they were powerless against the sword-racks, and that it was his duty to arrest them himself in order to trial.

After three days, Yuh and others informed me that no arrests had been made, and that the difficulties were so great that Wu, the district magistrate of Kai-chau, whose duty it was, had become crazy. This was thought sufficient, and on the morning of the 25th ultimo Captain Townsend ordered a body of men and officers to be landed from the United States steamer Wachusett, who proceeded to the house of the Hu family and arrested Hu Lau-sz and twenty-one others. A large number of weapons found on the premises were also taken, but nothing else was molested.

Although Hu Tai and Hu Lau-san are yet at large, the twenty-one followers of the Hus have been released to you at your earnest request and promise that they should be kept in safe confinement until some investigation had taken place. Since then, at a number of interviews, you have urged that Hu Lau-sz (a brother of Hu Lau-san and father of Hu Tai) be also delivered to you. It has been my opinion, as well as Captain Townsend's, that it would be impolitic to accede to this request; for we think that the sword-rack organization would, with arms superior to your own, soon effect his escape. The lawless influence exercised over this region by these bands has been often represented to you and at Peking; and the late occurrences render it necessary that at last other measures should be adopted to secure foreigners from insult, in accordance with treaty stipulations.

Although your will is good in this matter, I am nearly sure that you have not the power to proceed against them; and the governor general has refused to let Pan and his troops aid in preserving the peace and executing the laws, so that I feel that we are as unprotected as ever. Nevertheless, since you represent to me that if I take Hu Lau-sz to Peking for trial you will severally and jointly suffer in position, I have, after earnest reflection and consultation, decided to depart from my first intention, only under the following understanding:

1. That I shall receive a despatch from yourselves, bearing the seals of the collector of customs, and of the four local authorities, stating that you are strong enough to hold this Hu Lau-sz from any attempts on the part of his band, and will retain him in prison until your superiors at Peking, in conjunction with the United States minister, shall have given you instructions in the matter.

2. That you will arrest the sword-racks Hu Lau-san and Hu Tai, with a view to their trial as accessories before the fact in the assault on me; and to eventually disperse these bands of men who take the law into their own hands.

3. That Pan, the colonel in command of the imperial troops, has consented to render all necessary assistance towards the safety of Hu Lau-sz; arrest of the other Hus; and general protection and quietude of this port.

4. That the sum of 1,500 taels shall be deposited in my hands as damages in favor of those who were wounded, to remain undistributed by me until the amount is approved by the foreign office, and the United States minister at Peking.

In conclusion, I can only say, that this is my final decision in regard to the disposal of the prisoner Hu Lau-sz; and as I shall sail to-morrow in the Wachusett for Peking, I trust that you will have fully determined upon your course, that all may be satisfactorily settled at the interview this afternoon.

The present moment does not admit of arguments setting forth treaty stipulations, but the exigencies of the case have often been explained to you by Captain Townsend and myself; and in case I am obliged to refer to Peking, the same facts shall be represented there from the different legations.

I have the honor to be your obedient servant,

FRANCIS P. KNIGHT,
United States Vice-Consul.

To CHING, *His Imperial Majesty's Collector of Customs;*
YUH and KUEI, *Special Commissioners;*
WU and YU, *District Magistrates*, with
TSAI and KWOH, *Commandants of Kai-chau and Niuchwang.*

E.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, July 19, 1866.

SIR: On the 25th of May last I had the honor to receive your imperial highness's despatch, in which you informed me that you had directed some efficient officers to go to Yingtsi, and

there investigate and settle the affair of the American consul; to which I replied on the 1st ultimo. I have now to acknowledge a note from the foreign office of the 16th instant, in which the proceedings of Mr. Knight, in arresting twenty-two men by means of foreign soldiers, and taking them to the man-of-war, are referred to, with the request that he may be directed to deliver them over to the authorities, &c.

I have recently received the following report respecting these events from the United States consul at Niuchwang:

"On the 23d of June I attended, with Captain Townsend, of the Wachusett, at the court, where Ching, the collector of the port, and Yuh and Kuei, the special deputies, were assembled, with the local authorities, to try the case, at which time my servant Chang, and seven men in all, of the Chin family, were examined. The fifty or sixty marines present were there by the consent of the officers as spectators, and to do honor to the occasion. The man Chang was first tried, and it was proved that he had not stirred up the quarrel to get back the borrowed fur coat, and then led on the consul to attack the house, as he had been accused; but five of the other prisoners directly confessed that they had fired on the consul and other foreigners in the open street, on the 31st of March, who had given them no provocation. It was also generally known that Chin Hi Shing and his fellows were sent out on this business and supplied with arms to fire on the foreigners by one Hu, who is a leader of the sword-racks. The officials were quite willing that he and his bands should be arrested; but they said that they were afraid that they had not force enough to do it. Two or three days having passed and no arrests having been made, it was deemed best by Captain Townsend to do it, as the last clause of article eleven of the treaty permits arrests in order to trial to be made either by the officers of China or of the United States.

"During the night of the 26th of June he accordingly arrested Hu and others, twenty-two men in all, and took them on board ship, and immediately informed the authorities that he was ready to hand them over for trial, and to deliver up all the arms and guns he had seized in their house. In a few days he did send twenty-one of the prisoners and the weapons to the officials, who were to examine and try the men, but he still retained the leader, named Hu-ss, on board ship. About the time that the Wachusett was to sail Captain Townsend and myself agreed upon the following heads with the collector of the port and the deputies, as the basis on which the trial and arrests should be settled: 1st, that the leader, Hu-ss, should be handed over to the local authorities, who engaged that he should not escape from their hands; 2d, they agreed further to arrest the two other leaders of the sword-racks, named Hu Tai and Hu Wu; 3d, that as it had been proved on trial that four foreigners had been wounded in the attack, one of whom had had his leg amputated, it was agreed that a compensation of 1,500 taels should be given them. All the local authorities have agreed to these points."

From the preceding statement I am quite convinced that the collector, Ching, and the deputed officers, Yuh and Kuei, have examined and decided this case in an equitable and just manner. The prisoner Chin Hi Shing and his four accomplices have confessed that they fired at the foreigners, who had given them no provocation, with the intention to kill them; and as the matter has been unravelled and sifted to the bottom, it only remains that they all be summarily punished according to law.

As to the compensation of 1,500 taels which the officials agreed should be paid to the wounded men, it will be entirely in accordance with the precedent recently given at New Chwang in the case of a British subject, who was fined 500 taels for accidentally wounding a Chinese; and I have therefore to request that it be immediately paid to them and the case settled.

I have the honor to be, sir, your imperial Majesty's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c., &c., &c.*

Mr. Seward to Mr. Williams.

No. 35.] DEPARTMENT OF STATE,
Washington, August 15, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 21st of May, No. 33.

In connection with that paper you have transmitted to me a copy of the correspondence which has passed between yourself and Mr. Knight, United States consul at Niuchwang.

I learn from this correspondence that the port of Niuchwang is infested with a band of mounted robbers, whose depredations, defiant of imperial authority, are neither prevented nor suppressed by law. It appears that Mr. Knight was

lately violently assaulted by some of the brigands, and that he escaped only with great peril. It also appears that although the Chinese government seems disposed to act in good faith, the system of its police in the region referred to is so defective as to leave the lives not only of the Chinese, but also of those who are strangers, in that place exposed.

It appears, also, that before your letter was written, Admiral Bell sent a war steamer, the Wachusett, Captain Townsend, to that port, with a view to quiet the causes of apprehension, and that his report has not yet been received.

In this emergency Mr. Knight has applied to you for a small supply of large and small fire-arms to be deposited in the consulate, and used, if necessary, for his defence.

You have referred that request to this department. I am of opinion, first, that you ought to address a spirited protest upon the subject to the imperial government, and ask for its prompt attention to the duty of suppressing the robberies complained of. Second, that you confer fully upon the subject with the commanders of the United States naval forces, and call their attention to the necessity of visiting as frequently as possible the port of Niuchwang, and enforcing by proper demonstration the attention of the Chinese local authorities to the grievances of which Mr. Knight complains. Third, if in your judgment the dangers described have not already ceased, you will procure and furnish, or will direct the consul, Mr. Knight, to procure such small supply of muskets and pistols as shall be thought adequate to the protection of the consulate.

You will take an inventory of the arms thus furnished, and will hold the consul at Niuchwang responsible for their safe-keeping, and return to the legation when the necessity for their use shall have passed by. They will then be sold by your direction or retained in the legation, as you shall think expedient. You will send a copy of the invoice before mentioned to this department, and will charge the cost of the weapons, and their transmission, to the incidental expenses of the legation.

The letter which you addressed to Mr. Davenport upon this subject (a copy of which is annexed to your despatch) is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 40.] LEGATION OF THE UNITED STATES,
Peking, August 18, 1866.

SIR: When Mr. Knight, the United States vice-consul at Niuchwang, reached this city on the 17th ultimo, he visited all the foreign ministers in order to explain to each of them personally the condition of affairs there, and the importance of securing protection for life and property from the bands of lawless ruffians who kept the country in terror, and had been implicated in the attack on him. They were gratified to have the clear account which he was able to give them. Taking for my guide the propositions in Mr. Knight's report given in my last despatch, I drew up the letter to Prince Kung, (enclosure A,) which my colleagues agreed to address to him separately, and send to him on the same day. Her Britannic Majesty's minister directed his secretary of legation, Mr. Wade, to join me, as his deputy, in a visit to Wansiang, to whom the whole subject was presented in the clearest manner. Mr. Knight accompanied us, and described the attack on himself, and consequent proceedings of the officials, and proved their utter inability to resist the depredations and insolence of the sword-acks.

I have also the honor to enclose a copy of the prince's reply, (enclosure B,) and I was told to-day that a body of five hundred foreign armed and drilled troops have been sent to Yingtsi, in accordance with its recommendations

There is one feature of this affair at Niuchwang which has not been at all apparent at any other port, viz: the planning of a deliberate attack on foreigners by native banditti, showing that they were conscious of the inability of their rulers to punish them for any assault they might make. The people have borne their exactions as best they could, and with surprising patience, but things there have reached such a pass, that the authorities are now likely to adopt measures to repress these ruffians, and our united representations will stimulate them.

The foreigners at Yingtsi habitually carry arms, which is unnecessary anywhere else in China, and the result of this first attack by the sword-racks will not encourage them to repeat it, while the ease with which Commander Townsend's party arrested a number of them will deepen the impression. The arrival of the Wachusett was most opportune, and the terrified people showed their sense of the security she gave by relanding their goods and reopening their shops. Since she sailed no indications of an intention to revenge the death of the men who were killed have appeared, and the Chin criminals are still in prison. The military have also destroyed some houses belonging to the organization, which promises more active measures against it, and I understand that the English admiral will send a gunboat to winter there, to give additional security to the settlement, which contains altogether about seventy people.

I have the honor to be, sir, your obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, July 20, 1866.

SIR: The United States consul at the port of Niuchwang has recently informed me that, in consequence of the lawless proceedings of bands of armed men, having their headquarters in Yingtsi, who have attacked foreigners and committed so many acts of violence that life and property of all classes are unsafe, and the commerce of the port paralyzed, it is imperative to take measures to remedy these evils and restore confidence to the inhabitants, &c., &c.

Your imperial highness is already aware of the existence of these armed bands, but their depredations have reached so great a height that delay is no longer possible. The circumstances are so imminent that I take the liberty to propose some plans which, if adopted, will do much to re-establish order and secure peace.

1. An officer of rank equal to a prefect should be appointed to reside at Yingtsi, with civil jurisdiction, who can manage all matters relating to foreigners and have control over the country for at least thirty miles around that town.

2. He should have the control of at least five hundred foreign, armed, disciplined troops to suppress these bands of lawless men, who now infest the town and adjacent country, and bring their leader to punishment, and also to seize the fire-arms which they have stored up to supply the men under their control.

3. The people should be forbidden to carry swords and arms when they go abroad. They have been obliged to do so by the lawlessness of the ruffians, but it tempts to acts of violence and causes general suspicion and alarm.

If these steps are immediately taken the increased revenue of the port derived from the larger trade will soon defray the outlay on the part of the imperial government, and restore quiet to all that region; but a longer delay will compel foreign nations to do something to obtain that security which his imperial Majesty is, by treaty, required to maintain.

I have the honor to be, sir, your imperial highness's obedient servant,

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, *&c., &c., &c.*

B.

Prince Kung to Mr. Williams.

[Translation.]

JULY 27, 1866, (TUNGCHI *5th year, 6th moon, 16th day.*)

Prince KUNG, chief secretary of state for foreign affairs, herewith sends a reply:

I have the honor to acknowledge the receipt of your excellency's despatch of the 20th instant, in which you inform me respecting the disturbed state of Niuchwang and propose three plans for remedying the present evils, &c., &c.

In reply to this despatch it may be stated that, as the affairs growing out of the intercourse between natives and foreigners living at Niuchwang or Yingtsi, in the districts of Haiching and Kaiping, in the province of Liantung, were becoming very troublesome—for although these two districts are near each other and involved in the same events, they are still under different authorities—I memorialized the Throne last year and obtained permission to have sufficient powers granted to the collector of customs of the eastern district that he might consult with the local authorities of those districts and attend to and settle all complaints of robbery and loss of life, or litigation, and all cases arising out of the foreign trade.

Your other proposition to send drilled troops to Niuchwang has already been under careful consideration, but the matter shall again receive careful deliberation as to how the drilled troops may be increased in those places.

As to the other proposal in the despatch under reply, that fuller measures should be taken to repress and punish breaches of the peace in those districts, I have accordingly now sent particular orders to the local authorities to join with the collector of customs and give their earnest, undivided efforts to carry out all proper means, and not to stop till the brigands and robbers are exterminated. I have enjoined them not to begin vigorously, then end negligently, but so to act that my plans of protecting and guarding the people of those districts shall be effectual; and your excellency's clear and wise suggestions to the same end shall be perfected.

The foreign office will devise immediate measures to preserve the peace in those quarters, and also to appoint suitable officers to govern them, with due regard to the efficient protection of every interest; and it is for the purpose of informing you of what has been done that the present reply is now sent.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

Mr. Seward to Mr. Burlingame.

No. 170.] DEPARTMENT OF STATE,
Washington, August 21, 1866.

SIR: I have to acknowledge the receipt of Mr. Williams's despatch of the 3d of April last, No. 27, relative to the Coolie trade, and to the reception of consular officers from China.

After an attentive consideration of these subjects, I have to say, with regard to the first, that while we have prohibited the Coolie trade, our act does not define who or what are Coolies; it, however, expressly excepts from its inhibition and penalties the free and voluntary emigration of any Chinese subject, or any vessel carrying such persons as passengers, provided that a permit or certificate be signed by the United States consul, setting forth the fact of his voluntary emigration, which document should not be given until the consul shall be satisfied by proper evidence of the truth of the facts therein contained. The regulations prescribed by the Chinese, French, and English governments are well calculated to test the fact that such emigration is free and voluntary. The Chinese government has a right to prescribe such regulations, and you will, therefore, cause instructions to be given to our consular officers in China requiring them to ascertain that these regulations have been complied with, before they grant permits or certificates to American shipmasters to embark emigrants.

With regard to the reception of Chinese consuls by this government, I find no statute assuming to confer or to regulate the power of receiving and recognizing the consular officers of foreign states, nor do I perceive any legal obstacle to the reception and recognition of consuls from China by the United States government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BULINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Seward.

[Extract.]

No. 119.] SHANGHAI, *September* 19, 1866.

SIR: I have the honor to inform you that, with my family, I this day arrived in China, and have entered upon the active duties of my office.

In California, while waiting for the Swallow, a bark of two hundred and fifty tons, to be made fit for a voyage across the Pacific, I did what I could to awaken an interest in the trade of the east, and I have reason to believe that, with the Pacific mail steamers, there will go out influences by which the current of exchanges may be largely and immediately directed toward and through the United States.

* * * * * * * *

In Japan I visited the Gorogio, with my esteemed colleague, General Van Valkenburgh.

Rear-Admiral Bell, commanding the East India squadron, was so kind as to take us from Yokohama to Yedo, in the famous ship Hartford, accompanied by the Wyoming and Wachusett. He also landed a company of marines, who escorted us to the United States legation. He subsequently, as one of the general's suite, joined in the visit to the Gorogio I saw during the interview that the Japanese were pleased with this demonstration of force by us in the Japan waters. They were pleased also to see a minister from the United States, and, above all, one who had actually served his country in the late war.

The Tycoon's government, which is the central one, is at war with the great prince or daimio Choshu, who is so far successful as to cause a great deal of uneasiness.

While in Japan I had the pleasure of conferring with United States Admiral Bell and the British Admiral King, with a view of concerting measures for the destruction of pirates in the east, and was pleased to find those distinguished officers prepared to act promptly and in harmony.

Between Japan and China we experienced, on board of the French steamer Duplex, the severest "typhoon" known in the eastern seas for years. The barometer fell to 28.01, and we were only saved by the skill of Captain Noel and one or two of his officers.

In China I find affairs a little more hopeful than formerly. Merchants are recovering from the severe financial crisis experienced throughout the east.

Prince Kung is in his former position. Our true friends Wensiang and Tung have both been promoted, one to the presidency of the board of office, the other to that of war. Chinglum and Hangki have also received additional titles. There has been added to the Foreign Office Fan, a gentleman who in the last reign was degraded for writing a geography favorable to foreigners. He is now promoted for the same cause. Altogether the indications are that the Foreign Office is acquiring a greater influence in the affairs of the government.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 43.] LEGATION OF THE UNITED STATES,
Peking, October 1, 1866.

SIR: I have the honor to forward to you a short correspondence (marked A, B, and C,) relating to the erection of light-houses along the coast of China, which I commend to your notice. The subject has been often brought before this govenment since the treaties were signed, but hitherto without any noticeable

results, owing partly to the demand for every resource to put down the rebellion, and partly to the drafts on the revenue to pay the indemnities to the allied powers. The present movement is due a good deal to the continued representations of Mr. Hart, the inspector general of customs; and now that it is begun there is reason to hope that it will be followed up with vigor. The sum of 36,000 taels (about $51,000) has been set aside at Shanghai for the purchase of the iron light-house during the present year, and it will, perhaps, be in operation before the end of the next year.

From the custom-house reports for the years 1864 and 1865, it appears that the income from tonnage dues at thirteen ports, during those years, was 301,152 taels, and 284,353 taels, respectively; but owing to the feature of Chinese polity which requires that the resources of each province be appropriated to the expenses of that province, not even the whole of this small sum will be available for beacons at those points where they are most needed. A portion of it is already used in maintaining a few light-ships and beacons; but the proposition has already been made to the government to apply the revenue from the tonnage dues wherever most needed for lights, under the direction of the inspector general, and will, I think, be adopted.

The inertness of this government to originate or accept any improvements seems to be giving way before the advancing pressure of western ideas, and the officials see that they must do something to meet them. A movement of the present sort is, therefore, indicative of more than it exhibits on the surface, and before the people can derive much benefit from many material improvements which occidentals can offer them, their government must make a beginning, that the subjects may see how to use them. The erection of light-houses, &c., being provided for in the treaties, can be urged upon them with great force as soon bringing their own advantages, and when the beneficial results are seen, it will serve as a fulcrum for urging other things. It is on these grounds that I regard this step as highly encouraging, and have therefore briefly shown its bearings.

I have the honor to be, sir, your most obedient servant,

S. WELLS WILLIAMS,
Chargé d'Affaires.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Prince Kung to Mr. Williams.

[Translation.]

OCTOBER 5, 1866, (TUNGCHI *5th year, 8th moon, 27th day.*)

Prince KUNG, chief secretary of state for foreign affairs, herewith makes a communication:

On the 25th ultimo I received the following report from Mr. Fitzroy, acting inspector general of customs:

"During the month of May last, an American man-of-war was at Niuchwang, and Mr. Macpherson, the commissioner of customs, knowing that there were many very dangerous sandbanks off the mouth of the river Liau, consulted with her commander [how to indicate them.] Two good and eligible positions were selected, on which two buoys were securely moored. The captain also made a careful survey of the entrance of the river, and drew a chart showing how a vessel must lay her course from the outer buoy to the inner when entering the river, and wrote out directions respecting the marks to be followed when passing up or down. After they were all drawn and finished, the commissioner of customs sent me a copy. It will prove to be a great and lasting benefit to all vessels trading to that port; and I have had several copies of the chart and sailing directions printed, which I now transmit to the foreign office, with the request that they may be distributed."

It appears from the above that the entrance to the river Liau had not been previously surveyed, and many vessels trading to Niuchwang had suffered damage in consequence. The buoys now moored there will, therefore, prove of great advantage to the shipping. A copy of the chart and sailing directions are herewith enclosed for your examination and use.

Hon. Envoy S. WELLS WILLIAMS,
United States Chargé d'Affaires.

B.

Prince Kung to Mr. Williams.

[Translation.]

SEPTEMBER 11, 1866, (TUNGCHI *5th year, 8th moon, 3d day.*)

Prince KUNG, chief secretary of state for foreign affairs, herewith makes a communication:

According to the tenth article of the supplementary treaty, it is provided "that the high officer appointed to superintend foreign trade shall establish and distribute lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues." This stipulation was for the purpose of pointing out the channel to the merchantmen as they went in and out of the ports, so that they might not run on the sandbanks or get into other dangers. In furtherance of this excellent object, I early sent orders to both of the superintendents of commerce for the northern and southern ports, to instruct the commissioners at each port to ascertain the capabilities and requirements of their harbors in view of a speedy erection of the structures.

Reports have been received from Hankau and Kiukiang, Ningpo, Chifu, and Niuchwang, together with Langshan Crossing and Wuhu, on the Yangtze river, for which places estimates and plans for their successive erection have been submitted and agreed to, so that it is thought there will be no serious obstacle in their speedy completion.

Instructions have also been sent to Mr. Fitzroy, the acting inspector general, to take measures first to protect the most dangerous places at the mouth of the Yangtze river, by erecting an iron light-house, which is to be purchased abroad. It is confidently expected, when it is up and in operation, that vessels will not so often run on the sands in that embouchure.

To those other ports not yet provided with these things, orders have been again sent to the same superintendents of commerce to urge upon their subordinates at them to immediately make the necessary estimates for erecting what may be requisite for the convenience of the shipping, so that every port may be similarly provided with whatever shall promote the safety of vessels going in and out.

It only remains, therefore, when issuing these orders, to apprise your excellency of what is proposed, which is the special object of this communication.

Hon. Envoy S. WELLS WILLIAMS,
United States Charge d'Affaires.

C.

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, October 10, 1866.

SIR: I have the honor to acknowledge the receipt of your highness's despatch of the 11th ultimo, in which you state that measures have been taken to place buoys, erect light-houses and station light-ships at the several open ports, in order to lessen the danger to vessels frequenting them of running on shore, and to permanently benefit the commerce of the ports; and likewise of your excellency's despatch of the 5th instant, respecting the buoys which had been placed on the banks at the mouth of the river Liau, which, not having been hitherto surveyed, had often proved very dangerous to vessels; and that a chart had been drawn and printed, with directions to show the marks a ship should follow in her course, all of which would be of great advantage to the shipping resorting to Niuchwang.

It affords me great pleasure to see that the purport of both these communications is quite in accordance with stipulations in all the treaties, and especially with the design of article X of the supplementary treaty, relating to the improvement of harbors; and it will be a high gratification to make known these plans to my government, by whom they will be regarded with the greatest satisfaction.

I may here refer to the mention made in your highness's despatch of the American man of war which was at Niuchwang. It was the United States steamer Wachusett, then in charge of Commander Townsend, who himself took in hand the survey of the channel leading into the river, drew the chart, and prepared the sailing directions. In concert with the commissioner of customs and the United States consul, he superintended the selection of the best spots on the sand banks for the buoys, and during several days spared no pains to lay them down and complete the survey; his only desire in doing it all being to promote the public good. To the great regret of all his countrymen, Commander Townsend was suddenly carried off by a stroke of heat apoplexy, in the month of August.

I have the honor to be, sir, your highness's obedient servant,

S. WELLS WILLIAMS

His Imperial Highness, PRINCE KUNG, &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 120.] SHANGHAI, *October* 6, 1866.

SIR: I have the honor to enclose an extract (marked A) from Captain Noel's account of the typhoon of the 15th of September on the coast of Japan; also extracts (marked B) from the logs of the British steamers Niphon and Nepaul; also letter (marked C) from Pilot Robert Smith, in relation to the currents and winds between Yokohama and Hong-Kong. From these may be derived facts in the interests of our navigation, and especially useful to the Pacific Mail Steamship Company.

The typhoon was the severest known for years, barometer falling to 28.01.

The rarefaction of the air was so great as to affect the passengers painfully.

The wind appeared to strike the vessel unequally, in one place breaking strong iron bolts, and in another leaving weak objects unharmed.

Our safety, next to the good conduct of Captain Noel and two or three of his officers, was due to the excellent model of the ship. She was very high out of water and very strong. I think it will be found that in nearly every case of loss of steamships at sea, the result has, as with the London, lost in the Bay of Biscay, occurred from weakness of the deck, or defective arrangements for keeping the water from penetrating by the skylights and other openings into the spaces below. In such cases the shipping of one or two seas will fill the vessel, and she will go down at once, leaving no trace. So, probably, perished last year, on this coast, the steamships Chanticleer and Corea.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Translation of extracts from report of Captain Noel, commanding imperial mail steamer Dupleix, concerning a typhoon experienced en route from Yokohama to Shanghai, on 15th September, 1866.

On the 14th, at some distance from Kiusiu, a heavy sea from the southeast, and a slight but continued falling of the barometer, announced the approach of bad weather. In the evening rainy and heavy weather, which did not permit our seeing the land, and which prevented me from heading into Van Dieman's straits before the next morning. In the anticipation of a gale, I took measures to find myself in sufficient sea-room (*assez au large*) not to fear being dashed to pieces upon the coast.

On the 15th, at 2 o'clock a. m., the barometer at 752, (French measurement;) violent squalls from the northeast, and a threatening sky made me appreciate the fortunate determination I had made in the evening, all the more as the strong wind and enormous sea from the southeast prevented me from running further out to sea.

At 8 o'clock the barometer was at 745, the seas from the southeast monstrous, and a gale from the northeast. There was no longer room to doubt a cyclone was coming upon us with fearful rapidity; the northeast strengthened, augmenting its force to fury, and from the rate at which the barometer fell, it indicated clearly to me that we should be in the line of progress of the centre of the *météore** [cyclone?] which was travelling towards the northwest; and further, that we should be fatally destined to encounter this centre, since we were not able to go on and pass to the other side of the line of its passage (the northeast side,) on account of the strength of the northeast wind and the enormous seas from the southeast; and as for the other side, the neighborhood of the shore absolutely prevented us from running to the southwest, the only movement which could be made to avert the catastrophe which I so justly dreaded.

It was necessary to resign ourselves to it. I immediately ordered all the arrangements requisite to put us as much as possible beyond the reach of a disaster.

At noon the barometer was at 730, a tempest from the northeast with furious squalls, the seas from the northeast and southeast confused.

* The translator has found the technical phrases abounding in this report often difficult to render into effective English.

At 3 p. m., the mercury 728, the northeast frightful, (*épouvantable*,) the sea roaring: but what reassured me was to see the Dupleix behaving admirably well, the machinery working very easily, and keeping herself with this help (*à six quasts du bent*) within six points of the wind.

All the openings of the deck were securely closed, and I awaited with confidence the fatal hour of the centre.

At 4 p. m. the barometer fell rapidly; at half-past 4 it was at 720; at half-past 5 it fell to 714. From 5 to 7 o'clock p. m. we were exposed to the most frightful tempest which could be imagined. The sea was really horrible on all sides; as for the wind, there were no longer squalls, but frightful howlings. The Dupleix continued her struggle with success, in spite of the redoubled blows which struck her; but injuries succeeded each other rapidly, and gave me a mortal anxiety.

Two small boats and the life-boat were carried away, and their davits torn off, all broken by the wind. The gig and the two other small boats were more or less injured. The main topmast was disabled; the bed (*emplauture*) of the mainmast was broken.

About half-past 6 we were literally the sport of a whirlwind, which caught up everything on deck, and whirled things in circles to the height of the head of the mizzen-mast. An enormous metallic plate was projected from forward to aft. Our masts bent like reeds. I believed they would be carried away, and I do not really know how they were able to resist such violence. Happily none of us were thrown into the sea, but we had none too much strength to keep ourselves within the railing of the bridge.

In a few moments the centre would have been upon us, and, considering the state of the weather, we should have been forced to perish there; for in my opinion nothing could then have saved our ship from complete destruction.

At this moment, supreme and full of horror, a single chance of salvation offered itself to my mind. This was to try and escape the centre by turning, so that the wind would be behind us. I was so much the more induced to try this last and perilous effort, because each instant that we waited we were in danger of the vessel's going on her beam ends, if the masts continued to hold; and besides, I wished on no account to cut away the masts, because of the screw, which was our only chance of safety; for if in this terrible moment the machinery had failed, all would have been over with us. The machinery was started at an increased speed, and after some hesitation the valiant Dupleix obeyed her helm; at last the wind was behind us, and we were literally raised up and carried on by the whirlwind with dangerous rapidity, without the vessel's suffering from it otherwise than by immeasurable rollings and heavy blows from the waves.

A half hour afterwards the squalls changed rapidly from northeast to north-northeast, north, north-northwest, and northwest. The centre passed behind us. Immediately the barometer commenced rising more rapidly than it had gone down. We commenced to go toward the northwest.

At 9 o'clock we were out of danger, the barometer 722, a gale from the northwest; at 10 o'clock barometer 730, and a *heavy* gale from northwest; at 11 o'clock 740, and an ordinary gale from the northwest.

At 2 o'clock a. m. (16th) all was finished. The wind was yet strong from the northwest, and the barometer at 748.

C.

Letter concerning winds and currents, from Captain Robert Smith, pilot at Shanghai.

SHANGHAI, *September* 25, 1866.

SIR: In reply to your request to give you some idea of the set of the currents on the coast of China and Japan, during my passages in the Messageries Imperiales mail steamer Dupleix, I have to state that I joined the said steamer at Hong Kong on the 24th July, 1865, as pilot for the river Yangtze, and to give such information as in my power concerning the islands and harbors on the China and Japan coasts in our route.

During the fourteen months I have been on board we have made thirteen voyages to Yokohama and two to Hong Kong, and have experienced several heavy gales, and encountered a typhoon on the 25th July, 1865, (two days after leaving Hong Kong,) before getting to the Formosa channel. We avoided the strength of this typhoon by heaving the ship too, with her head to the southwest, as we found the centre passing through the Formosa channel.

The barometer stood at 751° (French millimetre) equal to 2905 English inches. On the 14th June last we experienced a heavy gale, during which we were hove to for thirty-seven hours, when seventy-five miles to the east of Van Dieman's straits, when the French barometer showed 750 millimetres. This afterwards proved to be the typhoon that the steamship Dumbarton encountered in the China sea on the 13th June, the day previous, during which the lowest point attained was 28°33 on her barometer. As regards the currents along the Japan coast, I have particularly noted the strength of and sets of those which we encountered

at different times, and find the average to be about three knots to the northeast; but on two occasions we found a southwesterly current of twenty miles in twenty-four hours, but always more or less influenced by the prevailing winds and their direction.

From Osima to Cape Idsu we have, at times, with strong northwest winds, had a two-knot current to the east-southeast, and with strong southeast winds have had a westerly one of ten miles during twelve hours steaming.

This irregularity in the currents makes it very dangerous in a dark night or during thick weather, especially while running between the red field rocks and the Portsmouth breakers, (the latter I think are doubtful, however,) as in one instance we found the steamer no more than three miles from the red fields, which, by the course steered, we ought to have been from twelve to fourteen miles distant. On another occasion we were set within one mile of the place where the Portsmouth breakers are laid down on the charts, and although the sea was very high at the time, no breakers could be seen from the mast-head, and if they do exist at all, it is my opinion they must be looked for more to the westward.

As you are already in possession of the report of the late typhoon in which you were present, I do not think it necessary to recapitulate.

As I have above mentioned, the lowest rate to which the barometer fell, previous to the last gale, it will fully bear me out in my opinion that we were in the most severe one recorded here at least for many years, the barometer falling 28°01, although the course of the winds were nearly similar.

I have the honor to remain, sir, yours, very respectfully,

ROBERT SMITH, *Shanghai Pilot.*

Hon. ANSON BURLINGAME, U. S. A.,
Minister Plenipotentiary, &c.

Mr. Seward to Mr. Burlingame.

No. 173.] DEPARTMENT OF STATE,
Washington, October 8, 1866.

SIR: Mr. Williams's despatch No. 35, of the 12th of June last, has been received.

It is not deemed advisable that the discussion with the Chinese authorities of the affair of the boat for which a United States flag was furnished by a Mr. White should be continued. This government should not in any way countenance the improper or unlawful use of that flag. If we connive at its abuse by Chinese for covering their property in their own country, and thereby evading obligations, we must expect to be regarded as derogating from our duty as a just and friendly power.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Williams.

No. 37.] DEPARTMENT OF STATE,
Washington, November 16, 1866.

SIR: Your despatch of August 8, No. 37, has been received.

The information it gives of the execution of two Roman Catholic bishops and nine priests, together with a large number of Christians, in March last, in the Corean peninsula, is, indeed, painful and singularly exciting.

The proceedings of the French admiral, as indicated in your communication, will be regarded with great interest throughout christendom.

I shall expect that you will keep me well advised concerning the same.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Williams.

No. 38.] DEPARTMENT OF STATE,
Washington, November 20, 1866.

SIR: On the 19th of July last I had the honor to receive your despatch of the 12th of April, No. 30. In that paper you gave me, by way of information for general uses, some particulars relating to the desecration of the American cemetery at Tangchau, together with a copy of correspondence on the subject which had then taken place between yourself and Mr. E. T. Sandford, the consul of the United States at Chifu.

In that paper you neither asked for instructions upon the subject, nor suggested any remedy for the proceeding complained of.

In my number 33, under the date of the 30th of July last, I asked you "What is the custom for guarding foreign cemeteries in China? Whether the Chinese government charges itself with the duty, or whether it is assumed by foreign residents, or their consuls? It is not without surprise that I now receive your despatch of the 10th of August, No. 28. From this last paper I learn that Mr. Sandford, consul as aforesaid, without having any instructions from yourself or from this department, went, on the 10th of July last, with the late Captain Townsend, and a band of one hundred armed men, in the United States war vessel Wachusett, to Tangchau, to investigate the trouble existing there; that a long discussion on the subject of the desecration of the cemetery ensued between the consul and Captain Townsend on the one part, and the Chinese prefect of the district on the other; that in this conversation the consul and the captain demanded that the prefect should arrest the members of the Kung Kue, together with two others; that the persons so arrested should be brought and tried before the consul and the captain; that they should pay an indemnity of 200 taels; and that the local authorities, after complying with these terms, should further give security that there should thereafter be peace. Your despatch then proceeds to inform me that the Chinese prefect made delays and evasions of these demands, and that, finally, the consul and the captain retired from the place, and afterwards made a report of their proceedings to yourself. Your despatch is accompanied by a correspondence which was thereafter carried on between Prince Kung and yourself in regard to these affairs. From this correspondence I learn that, besides the desecration of the cemetery, another question entered into the discussion which took place at Tangchau, viz: a demand by the consul and the captain that the prefect should arrest those of the gentry who were preventing him and others from renting houses, and bring such persons to be tried and punished before Captain Townsend.

It distinctly appears in the correspondence that it was instituted on the part of Prince Kung, in the form of a complaint made to yourself, instead of having been instituted by you in preferring complaints against the prefect to Prince Kung. In your reply to Prince Kung you dwell, not improperly, upon the grievances suffered by citizens of the United States at Tangchau, while at the same time you make those grievances a ground of excuse for the proceedings which were adopted by the consul (Sandford) and the captain of the Wachusett."

I feel very sensibly the embarrassment of giving instructions at this distance which will be applicable to the prevention or settlement of unforeseen local disputes to arise in China. Nevertheless, there are some principles which may be safely adopted. One of these is, that consuls ought in all practical cases to refer every question tending to bring on a conflict to the legation, and to await instructions therefrom before resorting to the expedient of threats or demonstrations by force.

Second. That every grievance or wrong committed or permitted by the Chinese

local authorities which is sufficiently grave to become the subject of threats or demonstrations of force, is sufficiently serious to be made the subject of an earnest representation to the Chinese government.

Third. That no such threats or demonstrations ought to be made without definitive instructions, proceeding either from the legation in China or from this department.

Fourth. That this government should be kept punctually advised by the legation of all proceedings to which the minister in China lends his sanction.

I do not think it expedient to hazard the impairing of the dignity and authority of the United States in China, by expressing a formal and official disapprobation of the proceedings which took place at Tangchau, but, with the authority of the President, I give you the following explicit instructions in regard to this and kindred matters.

First. That you will employ, or direct the consul to employ, on reasonable terms, some reliable person to watch the cemetry at Tangchau for the period of one year. Such person should be, if possible, not obnoxious to prejudices on the part of the Chinese; and he should report to you directly, or through the consul, any future desecrations of the cemetery which may occur.

Second. That in regard to the desecrations which have heretofore been committed, you apply directly, earnestly, and urgently to Prince Kung for such indemnities as will be sufficient to repair the injuries which have been committed, and that he cause the individuals who committed the offences to be brought to speedy punishment; and also that the Chinese government will indemnify us for the expense incurred in watching the cemetery.

Third. That you ascertain all the facts involved in the charge that Chinese subjects prevented citizens of the United States from renting houses. That if, in your judgment, the facts warrant it, you make a proper representation of the grievances to Prince Kung, and ask for immediate and effective redress and indemnity, provided that the demand can be sustained under a proper construction of the treaty between the United States and China, but not otherwise.

Fourth. That you report to this department such proceedings as you shall take in the premises.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

S. WELLS WILLIAMS, Esq., &c., &c., &c.

SPAIN.

Mr. Seward to Mr. Hale.

No. 12.] DEPARTMENT OF STATE,
Washington, December 11, 1865.

SIR: I am directed by the President to express emphatically his regret at the failure which has thus far attended the efforts that have been made to induce the belligerent parties in Chili to desist from hostilities and to inaugurate measures of pacification. You are expected, however, to use your good offices in this direction whenever, in your opinion, there shall be any reasonable ground whereon to build a hope of success; and I have only one suggestion to offer for the guidance of your own discretion, which is, that in tendering such good offices it is eminently proper and wise to treat the powers who are actually at war with equal *consideration and respect.*

I have now, in the spirit of the remarks already made, to instruct you to seek an interview with Mr. Bermudez de Castro, and to say to him that the President of the United States has abated nothing of his heretofore often-expressed desire for the establishment of peace between Spain and Chili, and that it seems to him that either nation might at this juncture, and consistently with its honor, offer or accept negotiations with a view to peace.

By the President's direction I have instructed Mr. Nelson to address the Chilian government in the same sense and in the same spirit which are used in this despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 15.] LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, January 9, 1866.

SIR: An insurrection of a portion of the army of Spain occurred the early part of last week, as you will probably have seen by the newspapers before this reaches you. The movement, it is reported, is under the lead of General Prim, a lieutenant general of the regular army. There are various rumors afloat, and it is impossible at this time, in the absence of reliable news, to give you any definite particulars of the movements that have been made and are now taking place, further than to state generally, that Madrid remains perfectly quiet, martial law has been proclaimed here; the insurgents appear to be retreating, and the government forces pursuing. All sorts of rumors and speculations are current in this community. The best judgement I can form, from all I can see and hear, is that the government will be able speedily to triumph over the insurgents. If anything of interest in this regard should occur hereafter, to give a different aspect to affairs here, I will seize the earliest opportunity to advise you thereof.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 16.] LEGATION OF THE UNITED STATES OF AMERICA.
Madrid, January 18, 1866.

SIR: Although the rebellion or insurrection has not as yet been entirely suppressed by the Spanish government, yet everything that I can see, hear, or learn, from any source, confirms me in the opinion which I ventured to express in my despatch to you, No. 15, of January 9. Madrid has been perfectly quiet and tranquil from the beginning, and so continues to the present moment. The two houses of the national Cortes continued their daily sessions here regularly, and there is nothing which meets the eye to indicate the slightest disturbance of the public tranquillity. I have had several communications from Americans visiting in other parts of Europe, inquiring if it were perfectly safe to visit Spain at the present time, and I have uniformly answered that it was.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 18.] LEGATION OF THE UNITED STATES.
Madrid, January 30, 1866.

SIR: The rebellion or insurrection of which you have undoubtedly been advised, and concerning which I have already addressed to you two communications, I think may now be considered as entirely suppressed. General Prim, the reported leader, has made his way into Portugal. The government forces sent in pursuit of the rebels have returned, and there at present does not exist in Spain any organized armed opposition to the government, though the proclamation placing Madrid under martial law has not yet been revoked, but continues in full force.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 21.] LEGATION OF THE UNITED STATES,
Madrid, January 30, 1866.

SIR: Owing to urgency of business demanding the attention of Mr. Bermudez de Castro, minister of state, on the breaking out of the recent rebellion, he did not give the usual audience to foreign ministers the week succeeding the receipt of your despatch No. 12, of the date of December 11, 1865. By the time that I had opportunity for an interview with him this government had received news of the actual collision of the naval forces of Chili with a portion of that of Spain, or, in other words, of the capture of the Coradonga by the Esmeralda. This seemed to place the situation of affairs between Spain and Chili in an entirely different aspect from what they were when your despatch was written. I repeated to him, however, the substance of the same, viz: that the President had abated nothing of his heretofore often expressed desire for the restoration of peace between Spain and Chili, and that whenever there occurred an opportunity for the good offices of the United States to be exerted beneficially to that end they would be so exerted cheerfully.

Mr. Bermudez de Castro desired me to express to you his thanks for the offer, and, further, for the many proofs they had had of the friendly intentions of the government of the United States.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hale.

No. 19.] DEPARTMENT OF STATE,
Washington, March 1, 1866.

SIR: Your despatch of the 30th of January, No. 21, has been received. It gives us information of an interview which you have had with Mr. Bermudez de Castro on the subject of the war now existing between Spain and Chili. The President is pleased with the appreciation which Mr. Bermudez de Castro

has expressed in regard to the tender of good offices by the government of the United States. Since that tender was made war has broken out between Peru and Spain. It is thought proper that you should make a renewed representation to the government of Spain of the desire of the United States that the hostilities existing between Spain and Chili may be brought to an end on some terms consistent with the safety, interest, and honor of the belligerents.

It is further proper that you should, in this representation, express our like desire in regard to the new hostilities between Spain and Peru. The commercial interests of the United States are very unhappily affected by these controversies.

The republics of Spanish America see, or represent themselves as seeing, on the part of Spain in these wars, a design hostile to their independence, and to the republican form of government which they enjoy. We acknowledge cheerfully that Spain has given us good assurances that her proceedings in these controversies are entirely free from any such injurious political design. We rest satisfied with these assurances, but we trust that it may not be thought unfriendly on our part towards Spain to suggest that the frequent demands made by her upon our neutrality between herself and these States, with which we sympathize from geographical and political relations, are attended with much inconvenience, and that that inconvenience increases with the prolongation of war waged by her in South America, and with the widening of the theatre of conflict.

It seems to us not improbable that all the States of Spanish America may be excited to the degree of being prepared for a general combination, in what would seem to them to be a common defence of their integrity and independence.

In making the communication herein directed, you will assure Mr. Bermudez de Castro that it proceeds from the most just and liberal friendship towards Spain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., *&c., &c., &c.*

Mr. Hale to Mr. Seward.

No. 24.] LEGATION OF THE UNITED STATES,
Madrid, March 26, 1866.

SIR: Yesterday I had an interview with Mr. Bermudez de Castro, and communicated to him the contents of your despatch, No. 20, dated March 1, 1866.

He expressed himself as entirely satisfied, nay gratified, with the perfectly fair and honorable manner in which the government of the United States had met and discharged all the duties and obligations of an impartial neutrality in the war between Spain and Chili, and subsequently Peru also. He disclaimed in the most decisive and emphatic manner, on the part of his government, any such ulterior views against the integrity or independence of any or either of the South American States, as you suggest they apprehend, and added that these declarations he had frequently made in the most explicit manner, both publicly and privately, on various occasions, both orally and in writing, in public documents, and still more recently in a speech which he had delivered in the senate, a copy of which he has promised to furnish me, and which I will send to you when I receive it. On the other hand, he said this war had been forced on Spain without her agency or consent, and that she could no more be justly charged with seeking or provoking it than could an individual upon whose head a tile might be thrown from the top of a building, as he passed along the street, be charged with provoking a quarrel with him who threw it.

In the course of this conversation he remarked that he not only recognized the fact that the conduct of the United States in this controversy had been strictly fair and honorable, and such as afforded not the least ground of complaint on the part of the government of her Catholic Majesty, but that it had been further characterized by a just and liberal friendship for Spain.

I then ventured to suggest that, notwithstanding that the tender of the good offices of the government of the United States was vague and indefinite, yet I had no doubt that, if any practical way could be devised or suggested by which the good offices thus tendered might be made practicable and efficient in promoting the restoration of peace between the belligerents, I had no doubt that my government would, by adopting it, show that its offer meant something more than an unmeaning compliment.

To this Mr. Bermudez de Castro replied that he had no doubt of it, and that you were well advised of the character and merits of the whole controversy, and that there was no other individual in whose intelligence and integrity to form a correct judgment he should place more confidenee than in yours; and further, that if you would express in some concrete or distinct formula the offer which thus far was only vague and indefinite, he had no doubt that you might propose something which would probably be acceptable, and might lead to a termination of hostilities honorable to both parties.

I do not know that I distinctly and definitely understand the idea which Mr. Bermudez de Castro meant to communicate, but I believe it to have been that if you would carry out your tender of friendly offices by a distinct proposition of a mode of adjustement by the belligerent parties, it would in all probability be acceptable to Spain, and, he hoped, to Chili and Peru also.

That I might be sure that I had not misunderstood any part of the interview I had with Mr. Bermudez de Castro yesterday, I have submitted to him the first draft I made of the conversation for his inspection, and he assented to its accuracy entirely, only suggesting that I might add, if I pleased, what further he said yesterday, which was that what he had said was in the full confidence that you would propose nothing to Spain incompatible with the dignity of the Spanish nation, of which this government in the last resort be the ultimate judge.

I have received from Mr. Bermudez de Castro the Gaceta de Madrid of the 10th of March, containing the speech referred to, which I send you by this mail enclosed.

I have the honor to remain, with the highest respect, sir, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

SESSION OF THE CORTES.

IN THE SENATE, *March* 9, 1866.

Senator LLORENTE. * * * * * The part which I consider most important, passing by those general views of which I make little account, in the manifesto to which I refer, is that which has relation to the negotiations had between the minister of state and the minister plenipotentiary of Peru, or Peruvian agent of this court, since the preliminaries of the 27th of January. The document to which I refer says thus, (to the lines which I am about to read I call the attention of the Senate:) "The Spanish government, during the course of the negotiation initiated, has not omitted any measure to make the Peruvian agent clearly understand its decided purpose to impose on Peru the most humiliating and burdensome conditions. The minister of state of Spain has not hesitated to declare:

"First. 'That in the opinion of the present cabinet, that preliminary treaty deserves severe

censure, because it did not meet the first exigencies of Spain. That the course pursued by his predecessor, Mr. Pachero, equally deserves it, and the conduct of Admiral Pareja was no less deserving of it, for having ceased to occupy the Chincha islands.'

"Second. 'That the right of revindication existed against Peru until Spain should have formally recognized her independence, because, in the judgment of the government at Madrid, the treaty of the 27th of January did not impart that recognition.

"As for the conditions which the Spanish government required from Peru, in order to conclude with her a treaty of peace and amity, the Peruvian minister enumerates them thus:

"First. 'The insertion, indispensable in the treaty, of a clause in which the present Queen of Spain, using the privilege which a decree of the Cortes concedes to her, renounces the sovereignty, rights, and acts which pertained to her over the heretofore vice royalty, now the republic of Peru.'

"Second. 'The selection of the treaty concluded between Spain and Bolivia as the type of that which was to be concluded with Peru.'

"Third. 'Obligation on the part of Peru to pay (here Mr. Pachero cites, without doubt, the text of a despatch from Mr. Valle Riestra) all that which was a charge upon the treasury of the old vice royalty of Peru, weighing on the consular tribunal, the central treasury, the revenue from tobacco, the mint, the funding office, as well as all credits on the said treasury for pensions, salaries, aids, advances, forced loans, deposits, or by any other title, whenever originated by direct orders of the Spanish government, or of its authorities in Spain, and in the territory which is now the republic of Peru, up to the date at which she last evacuated it in 1824, and that debt to carry interest, and the privilege which the most favored debt of the republic can now enjoy or might or should enjoy in the future.'"

Among the declarations which I have just read, and which are diverse, there are some to which I attach no great importance, and others which are in my opinion of the greatest weight. But I must say, sirs, decidedly, that when I had the first knowledge of this document, I never hesitated for a moment, never vacillated in the belief that the assertions contained in the lines I have just now read are completely false or at least extremely inexact.

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The Minister of State, BERMUDEZ DE CASTRO. In the manifesto, the government of Peru acknowledges, or rather boasts, that that nation has twice managed to establish relations with Spain, adding that its propositions were frustrated by causes for which the republic was not to blame, leading error which Mr. Pachero, minister of foreign relations of Lima, falls into. Twice, in effect, Messrs. Senators, has Peru attempted to establish diplomatic relations with its ancient metropolitan, Peru, one of the last of the American republics which came, to solicit their recognition by Spain. The first time was in the year 1853, when there came, commissioned to negotiate, Mr. Osma, a worthy person, well known to the whole court, who adjusted in that year a treaty, *which was acceptable* in almost all its clauses, which stipulated, *as is usual*, that it had to be ratified.

The treaty was returned to Lima for such purpose, and that government neither replied nor made excuse of any sort to justify the silence it thought proper to observe. Only upon a revolt and tumult, which happened at Lima, in which the department of foreign affairs was sacked, the papers of the archives were scattered in the streets, and the causes came to light which moved the government of Peru not to ratify the treaty made with Spain. * * *

The second occasion was in 1859, when Mr. Calvez, Peruvian minister at Paris, came to Madrid, but before a conference with the ministry, wished to present his credentials to her Majesty.

His *obstinacy* on this point could not be overcome, although it was explained to him that a presentation would be equivalent to a recognition, and after that the treaty would be in every respect useless. These reasons did not convince him, and he went back to Paris. * * Things so continued till a treaty was made at Callao, between General Pareja and the Peruvian General Vivanco, which was ratified by both governments, and faithfully executed by both. A plenipotentiary went to Lima, and one came to Madrid, and it was only after several months that a government growing out of a revolution set up that the treaty of the 27th of January was completely void and illegal, because, under the constitution, the government which made it had not the faculties necessary to sanction it. What need I say of that—a question of domestic policy—with which we have nothing to do, but Peru solely. * * Suppose the treaty did not suit Pezet; could not the actual government of Lima offer remarks to that of her Majesty, setting forth the reasons for its conduct, or seeking a modification of what was agreed on? Ought it not to have done this? What is the reason it has preferred war to this course of action?

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On the 3d of February, a few days after the treaty, the Spaniards are charged with being the aggressors. When the marines of our squadron went on shore, on leave, and in entire trustfulness, they were made the innocent victims of an unlooked-for attack. Every one remembers the heroic resistance of a corporal, who, attacked by thirty men, long defended himself against his assailants, till killed by a blow from a stone. Mr. Pachero says that unfortunate event was owing to the arrogance and aggression of the Spaniards.

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In my view, what is now happening is nothing but the result of committals of the revolu-

tionists with Chili and its government for the aid it should give them in overthrowing Pezet, and that nothing else causes the war against Spain. Peru has no other motive for declaring it.

When the present ministry came in there was here a plenipotentiary from Peru to adjust the treaty, Mr. Valle Riestra. At a first conference we talked slightly. I told him I could not allow a most important suppression that existed in his project—that is to say, his omission of the bases of the recognition and liquidation of the debt to Spain—which were left for another treaty, to be made at Lima.

Here I should remind senators that Spain does not absolutely reclaim from Peru anything for herself. The debt in question is that which all the American republics which derive their origin from the Spanish monarchy have recognized, liquidated, and paid, and is composed of credits in favor of Spanish subjects who have been ejected, and whose property was confiscated or sequestrated—in a word, credits in favor of private persons. * * *

I say this, because it cannot but have been observed with what pertinacity the manifesto dwells always upon debts which the Spanish government claims, as if speaking of amounts which were to come into the public treasury.

I recollect that when the question of Chili was stirred the chargé d'affaires to the United States of America came to learn what the Spanish government proposed to do. He asked if revindication was thought of. I told him the government disapproved the word—had never thought of it. I added, besides, and can speak of it, because an official statement of that conference has been given to the government at Washington, that the could assure Mr. Seward that such was the determination of her Majesty's government, and so decided its policy as to what behooves Spain in her relations with the American republics, that, if it were possible, the Chinca islands should be made a present to her, or any part of the territory of Peru, not even as a gift would such be received—words which are embraced in the despatch in which that agent gives account to his government of his interviews with me—in the same form in which I relate it to the senate.

I turn to the interview with Mr. Vallé Viestra, and he claimed from the outset that the settlement of the debt due to the Spanish subjects should be the object of a special convention that should negotiate at Lima, and I was obliged to tell him that I would not agree to any such request. * * * * * *

He then said that he had intimated to Mr. Benavides that the part relative to the arrangement of the debt should be postponed for a special convention; that, afterwards, he had also said this to Mr. Arrayola, and that both had agreed to it. I could do no less than have him understand he must be under a mistake; that there appeared absolutely nothing in the department of state to show that Mr. Benavides and Mr. Arrayola had acceded to these pretensions; that it was impossible they could have acceded, because that would have been to depart openly from what is prescribed in the preliminary treaty of 27th of January, in virtue of which we were negotiating; and that, as that compact established rules entirely distinct, and contained clauses we must conform to, it was impossible that any of my predecessors could have approved his proposition, which seemed to me to be unacceptable.

Article 5 of the preliminary treaty says, and note how imperative is its wording: "In said treaty shall at the same time be defined the bases for the liquidation, acknowledgment, and payment of the sums which by sequestration, confiscation, loans of the war of independence, or other things, Peru may owe to the subjects of her Catholic Majesty, provided they combine the conditions of Spanish origin, continuation, and existing condition."

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Mr. Riestra agreed that it was convenient to insert the clause; but, not thinking that enough, he added, after Peruvian republic, and wished it annexed, "and the islands and other possessions which had become a part of the old viceroyalty of Peru."

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But, in the second note I addressed to him on the same subject, I took care to sum up in a few lines the object of the divergence. I said to Mr. Vallé Riestra:

"If you have no powers to treat, article 5 of the treaty of Callao is infringed by Peru, by which that republic engaged to send a plenipotentiary clothed with ample powers. If, on the other hand, you do not choose to make use of the powers you have, you are the infringer of the treaty; at any rate, the responsility of the infraction does not weigh upon the Spanish government."

Well, then, in the second note, August 15, 1865, I wrote what follows:

"1. Are you disposed to make a treaty, which, as article 4 of the preliminary convention prescribes, may be similar to that ajusted with Chili and other American republics?

"2. Supposing an answer in the affirmative, do you find yourself agreeing that, as article 5 of that convention prescribes, the treaty is to contain an article by which the basis can be established for the liquidation, settlement, and payment of the debt which burdened the treasury of the ancient viceroyalty of Peru until the Spanish authorities evacuated it, deducting such portion of said debt as may pertain to the republic whose territory pertained to the old viceroyalty?

"3. Supposing, also, an affirmative answer, that you accept the principle to establish said bases, and to designate the debt which, under various heads, may remain a charge on Peru, that there be adopted as a rule and principle what was agreed on this point with Costa Rica, Nicaragua, Bolivia, and Ecuador republics—some of them bordering on Peru, and others not

far distant therefrom—which, when they made their treaties with Spain, were at full liberty to accept or refuse the terms by which they bound themselves to pay their respective debts, have subscribed thereto by a spontaneous act, and not by force of a compromise, such as that which now binds Peru; (and with this I respond to another assertion of the manifesto, in which it is asserted that the requirement of the Spanish government, or mine, was that the treaty of Bolivia should be strictly followed and copied.) Bolivia did not propose it. Chili always proposed it, or four or six republics which were in the same case.

"4. * * * * * Passing by the other four, * * * * and holding to the agreement between Spain and Chili, do you desire to consider the article about debt, contained in that stipulation, 'as not in any way correspondent with the position of Peru towards Spain?' * * * * * * * * * *

The reasons are obvious; and now that we are at war with Chili, I have much pleasure in declaring that that republic, moved by a sense of justice, *long* before the acknowledgment of her independence by Spain, passed a law recognizing, liquidating, and *marking out the proceedings* for the payment of every debt in favor of Spanish subjects. * * * *

"5th, and last. Taking into account the antecedent consideration, you desire that the treaty with Peru be like that with Chili, substituting, however, for the article about the debt, another which determines the obligation of Peru: on this point, the same way as with the four republics above cited.

"You cannot conceal from yourself that the propositions in the preceding questions are within the limits of the convention of Callao, and in nowise exceed what is already agreed upon by other republics treating with Spain in a better position than Peru."

To these questions the following categorical reply was given to me:

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3. That his instructions do not authorize him to establish such bases, nor to designate the classes of debt which Peru must recognise by adopting as a rule on this point what has been done by Costa Rica, Nicaragua, Bolivia, and Ecuador, * * * * which cannot be regarded in the like position with Peru as to the settling of the debt. * * * *

4. That Peru and Spain not being in like relation as Chili and Spain about the debt, and being restrained by limited instructions, he could not assume so great responsibility as would result to the undersigned, not only with his government, if he should consent to the substitution of the clause, pure and simple, relative to debt in the treaty with Chili, for the clause on the same point of any fo the treaties cited with the four republics.

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That the governments of the American republics may be covinced more and more of the justice of the views which animate Spain in her relations with them, and also that they may not suffer from the misunderstanding which would be occasioned by a readiness in mastering all sorts of reclamations of Spanish subjects, without reference to their origin and causes, it is necessary and of great convenience that due distinction be made between claims proceeding from illegalities, assaults, acts of violence done, endangering the persons and interests of subjects of her Majesty entitled to the protection of the government of the country in which they reside, and those founded only on damages caused by contracts, voluntary laws, advances, and other matters of like kinds, in which some Spaniards willingly take part, acting with absolute free will, and seduced, perhaps, by the hope of immoderate gain.

Claims of the first class, that is to say, resting on undoubtedly just causes, ought ever to be the object of the most efficient support of her Majesty's legation, which cannot refuse protection to the interests of Spaniards when an injustice is inflicted by arbitrary measures or abuses of authority for which no cause has been given.

But if the damages, indemnity for which is claimed by Spaniards interested, proceed from their completely free acts, the nature of which is of some engagement between parties, on conditions freely enterered into, it is just and natural that the question should be ventilated previously by courts of justice, as is the practice in all cases, in which persons, governments, corporations, or any moral entity, fail to comply with an obligation clothed with the legal formalities which it requires. Consequently, in claims of the class I have indicated, the intervention of her Majesty's representative does not proceed until the parties in interest show that they have been hindered in the exercise of their rights and the use of their legal recourses before the proper court, or that, after presenting their claims, justice has been denied by an open refraction of the laws involved in their form. Either extreme being established, the reclamations referred to acquire the character of being caused by abuse of power; and this legitimates the official aid of the legation in favor of the party interested, which is not the case when he has neglected the legal means for obtaining due justice.

These are the principles by which the conduct of the representatives of her Majesty in America must be governed when they make reclamation for Spanish subjects, and I doubt not you will know how to meet the views of the government in what concerns it.

BERMUDEZ DE CASTRO.

This shows the senate how cautiously the Spanish government has acted.

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I sent to our minister in Peru all that had passed between the Queen's government and Mr. Valle Riestra, with full power to negotiate there the treaty which ought to have been

made in Madrid. What better proof can be given by her Majesty's government of its desire to make such treaty and its freedom from exaction, than to renounce the advantage of negotiating here, and transferring it to Lima, for discussion, not with the Spanish government, but with one of its agents; not with the Peruvian representative, but with the supreme government of that country?

I have always instructed the representatives of Spain that their first duty is to persuade and convince all parties that Spain is firmly resolved not to mix in domestic differences; that she wants a good understanding with the Peruvian government, whoever may be the men who compose it; that it does not aspire to any exclusive privilege or influence; and only claims for its commerce and subjects that protection the republic concedes to other nations. * * * * * * *

The ready reception given by the legations in America to some unjust claims of Spanish subjects, often of cases devoid of title to official protection, has produced inconvenience, and henceforth it is resolved that official aid shall only be given when the complaint is of acts of violence, spoliation, or something contrary to the law of nations or to treaties in force.

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Before concluding, I can do no less than to recommend to you to endeavor by all means to inspire full confidence in the intentions and purposes of the government in respect to the parties, endeavor to tranquilize operations, avoid everything wounding to self-respect in order to facilitate the settlement of pending questions, and setting aside the possibility of a fresh conflict which may impose on Spain the necessity of barren and costly sacrifices. The government of her Majesty does not wish in any manner that the dignity of the country be in the least degree derogated from; but would avoid useless contests, and the heavy charges they accumulate.

BERMUDEZ DE CASTRO.

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OCTOBER 30, 1865.

* * * "I regret that advices from this place have caused the belief there, although temporary, that the difficulties we have stumbled on grow out of fresh requisitions on my part." Thus I wrote to Valle Riestra, on the 30th October. Would I have disapproved a treaty which I invoked in every document which has been read? If I had asserted the revindication of the Chincha islands—if I had asked for the seventy millions of dollars which some Lima newspapers said were claimed by the Spanish government—could I have addressed this letter to the very agent of Peru, with the certainty that he would flatly contradict me? The text of our notes will dissipate the error.

I have also written to Lima that I regretted the delay the more, because having to present all the papers relating to Peru to the Cortes, I found myself obliged, because the treaty was not completed, to publish the notes which had passed between us, that there might be no room for recriminations. * * * * *

"BIARRITZ, *November* 4, 1865.

"I have received yours of the 30th ultimo. The fresh instructions I awaited from my government to continue negotiating the treaty reached me yesterday (there having been a delay of the mail.) I will very soon address you that we may reopen the negotiations which I earnestly desire. * * * * * * *

* * * * "I observe the necessity you are under to render to the new Cortes an account of this matter, but as they will not meet till December, I hope you will find no inconvenience from want of time." * * * *

"SAN ILDEFONSO, *November* 7, 1865.

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"In a few conferences we will conclude the negotiation of the treaty, a consequence of the preliminary convention at Callao, on which you and I are already personally busied, and I shall be in a situation to render an account of the result of our labor at the first sittings of the new parliament. I allow myself a slight suggestion of this, because official and private advices from Lima tell me many remarks are made there about our tardiness in completing the treaty, from which they infer, adversely to Pezet, new difficulties between the governments, which none better than you and myself can contradict. I am ready, as soon as possible, that we should bear public testimony to the union of the two countries, and of the good faith in which you and I have blotted out the traces of old differences.

"I avail, &c., &c.,

"BEMUDEZ DE CASTRO."

I have said Riestra sent me a note of articles prepared for the settlement of the debt. This comprehended:

First. That mentioned in article 1 of the laws of Peru, of August 25, 1834, bearing on the branches of the consular courts, central treasury, tobacco privileges, mint, and consolidated fund.

Second. All sums arising from sequestrations, confiscations, loans, deposits, &c., made or taken by the independent government or its authorities for carrying on the war of emancipation.

On these bases we opened fresh negotiations, and if I have anything to excuse myself for it would be for not having done all for the interests of Spanish subjects. But I attributed such importance to this arrangement with Peru that I made no difficulty about passing unnoticed the payments of debts of small amount.

Mr. Riestra differed from me as to my scheme of settlement, but such was my desire to conclude the treaty that I yielded by admitting that nothing that remained due on account of the armies of Ferdinand VII's reign should be funded, and that no more should be paid than what the independent government had taken from Spanish subjects.

There remained only one point of difference, and on that we agreed at our latest conference.

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To facilitate the arrangement, I conceded that we would consider the republic as a foreign nation from the moment when an American or European State had recognized it as such republic.

After such concessions, to remind me that I had made requisitions, had created difficulties, had renewed claims for seventy millions, had abandoned the assured base of the treaty of January 21, of Callao, is completely absurd.

News came that Pezet was replaced by Canseco. Riestra told me he should go away. I asked him to address me officially on the subject. He replied he would not. I rejoined, if he would not I must write to him, because on such a grave occasion it was necessary that each should maintain the position proper to him. My note bore date of February, 1866.

Mr. Llorente wished to know something of the good offices offered by France and England. It is indeed true, that from the beginning of the contest with the republic of Chili, when news arrived that Admiral Pareja had established the blockade of Valparaiso, both the English and French governments hastened to offer their kind services, to try if it were possible to settle these disagreements. The Spanish government accepted those good services, declaring it could not accept mediation of any kind, because, in questions such as that pending between the republic of Chili and the Spanish nation, it could not accept of it, nor have any other judge than its own honor. It then accepted their kind offices, which was communicated by the respective governments to their ministers at Santiago, and I have no hesitation in mentioning the compromise offered by Spain, because it is a proof of the moderation of its requirements, as it is also a proof of the moderation of the administration which immediately preceded us.

The satisfaction asked by Mr. Benavidez was a salute of twenty-one guns, and explanatory notes which should contain full satisfaction to Spain of the affronts she had received. Nothing was said of indemnity, except in case hostilities should have broken out.

Well, then, the requirements being so moderate, the conduct of Chili appears consequently so strange and so anomalous, that the two nations I speak of and the United States of America, which had before employed all the means suggested by friendship—the United States, whose kindly sentiments, impartial and friendly conduct toward this nation in these circumstances, the Spanish government can never too highly appreciate—found not only that these propositions were not exaggerated, but that from themselves came the proposal that their good offices should be exercised to obtain from Chili, to advise Chili, to cause Chili to see that it was its obligation to give satisfaction to Spain, and the same as that which the Spanish government asked from it.

The Spanish government had not asked indemnity of any kind, and had said it would ask it if hostilities should break out. As for the salute, the Spanish government accepted at once, as a modification, that in place of the twenty-one guns fired in succession, they should alternate, Chili taking the initiative. This, however, is a delicate subject, and Mr. Llorente will understand why I cannot enter upon it. These good offices may, perhaps, have to be modified, because the circumstances and situation have changed by the unfortunate loss of the Covadonga.

Mr. Seward to Mr. Hale.

No. 30.] DEPARTMENT OF STATE,
Washington, May 23, 1866.

SIR: The President thinks that a time has come when he can with propriety ask the attention of her Catholic Majesty's government to the very interesting subject of slavery in the Spanish islands near the United States, viz: Cuba and Porto Rico. You are, therefore, expected to mention it in a confidential manner to Mr. De Castro. You will assure him, in the first place, that this government does not in any case indulge any thought in the nature or spirit of intervention, and that the suggestions now made are inspired by feelings of entire respect and good will towards Spain and those provinces.

Although this government has in no manner published the fact, yet it has nevertheless observed that the policy of emancipation seems to be profoundly agitating the people of all classes, white, black, and colored in those islands. This condition of things is, perhaps, due in a large degree to a ripening of the consciences and judgments of mankind everywhere in regard to the institution of slavery. The desire for emancipation in the islands mentioned has undoubtedly been intensified by the success with which it has been recently crowned in the United States. It seems unreasonable to suppose that slavery could be perpetuated in any part of the West Indies, after its extinguishment throughout the American continent, except Brazil.

I make these observations with greater freedom, because I am aware that the subject is already in the thoughts of the government, as well as of the people of Spain. The United States think that Spain herself could within a reasonable time be able to conform the social and political institutions of those islands to the principle of universal freedom, without hazarding the calamities of civil war, if her freedom of action should not be affected injuriously by external agencies and influences. It is the desire of this government that she may exercise this independence and enjoy its beneficial results.

It is hardly necessary to acknowledge that at a period not long past, many persons in this and other countries conceived and attempted a dangerous design of disturbing the peace and security of Cuba. That design, so far as it was embraced by any portion of the American people, received its impulse, as it is believed, from a desire among slaveholders here, that the island with its slaveholding population might be annexed to the United States, and thus increase the slaveholding political interest, which then was a great power in our country. It would be a strange thing if now a propagandism of emancipation should prompt a portion of the people in several of the American republics to similar aggressions. It is to be expected that such a proceeding would be far more effective when seeming to have the sanction of benevolence, than was the aggressive movement to which I have referred, which former movement had for its encouragement here the contrary spirit of slaveholding aggrandizement I hope it will not be thought either unfriendly or unbecoming on my part when I say that the controversies with which Spain has been involved during the last four years with several of the republican states of South America, have produced a feeling of exasperation in most, if not all, of the Spanish-American states; that those states, justly calculating upon the sympathies of the people of the United States, are not likely to be slow in directing public attention everywhere to the now anomalous toleration of slavery in the Spanish dependencies, so ultimately connected in commercial and social intercourse with the people of the United States. When you have made these observations to Mr. De Castro, you will have said all that it seems necessary to have said at the present time upon this important subject. The President has no apprehension that the motives of these suggestions will be misinterpreted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

LEGATION OF THE UNITED STATES OF AMERICA, MADRID,
Aranjues, May 31, 1866.

SIR: I have the honor to inform you that the minister of the Spanish treasury has, within the last three or four days, resigned his office, and that his resignation has been accepted. The papers in opposition to the government persistently represent that this resignation has much political significance, and

forebodes the speedy disruption and overthrow of the present administration, at the head of which is General O'Donnell; and such are the current rumors in circulation in public. On the other hand, the papers friendly to the administration deny entirely that this resignation has any political significance whatever, but is solely owing to the state of the late minister's health, which certainly has been very feeble for some time past, and, as is alleged, is such that he is physically unable to discharge in a proper manner the very onerous duties of his office. I am decidedly of the opinion that the latter is the true reason of the resignation, notwithstanding the many rumors that are current of the speedy downfall of the O'Donnell administration. Spanish politics at the present time present the aspect of an unsettled and unstable condition of things. I have thought for some time of presenting to you, somewhat at length, but not very extended, such impressions as a residence of eight months in Spain has made on my mind, with the limited means of observation I have so far enjoyed. I will only add, for the present, that when you hear remarks made about the "people of Spain," what they think and what they will do, &c., if the same meaning is attached to the term "the people" which the same has in the United States, or even the more restricted one which the same term has in England, there are no "people" in Spain.

I have the honor to be, with high respect, your most obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

[Extract.]

No. 34.] LEGATION OF THE UNITED STATES,
Madrid, June 24, 1866.

SIR: It is my duty to inform you that Madrid has been the scene of a fearful insurrection, which has been completely quelled by the government. The first manifestation of the insurgents was early Friday morning, (22d instant,) when two regiments of artillery, stationed at the barracks of San Gil, not more than a quarter of a mile north of the royal palace, raised the standard of a revolt. It began by some of the men shooting their officers, who were supposed to be loyal to the government. It is said that they relied upon being supported by several regiments of infantry, who failed them, and afterwards actually took part in the conflict against them. They were finally overcome by the government, but not till after the barracks where they were stationed was perfectly riddled by cannon balls.

The insurrection was not confined to the military, but extended over a great part of the city, and barricades were formed in numerous places—it is difficult now to say how many, but they were formed in many streets of the city. The house where I live and keep the legation is in Culle de Barquillo, No. 26. The Prussian legation is under the same roof, and the Brazilian is in the same street, on the opposite or northern side, No. 13, and the Belgian legation at No. 14, on the same side with mine. At the very corner of my house the insurgents erected a barricade, three or four feet high, in the course of the afternoon, across the street, women and children assisting in doing the work, unmolested. The insurgents, for some hours, appeared to have undisturbed possession of this street, or that part of it where these several legations are situated. No violence or injury of any kind was done or threatened to any of them, and I had no apprehension of any, not either for myself or family, save what might occur

from the effects of some random shot. These apprehensions were not altogether unfounded, as you may infer from the fact that the corner of my house was hit by one cannon ball, the marks of which very palpably remain, and also by one musket or rifle ball. These I suppose to have been fired by some government troops in clearing the streets, and that the hitting of my house was purely and entirely accidental. I learn that a somewhat similar casualty happened to the Brazilian legation. The shield of the arms of Brazil over the door was carried away by a cannon shot.

Marks of cannon and musket balls are to be seen in various parts of the city, and frequently pools of blood were seen standing in the streets on the morning of the 23d instant. The insurrection was not quelled without a great sacrifice of human life. By the morning of the 23d the government were in complete possession of the whole city, and had taken, it is said, between one and two thousand prisoners. As this is the second attempt at revolution made within the short time I have been in Spain, in each of which the government has triumphed, I am apprehensive that they will feel it to be necessary to deal severely with such of the rebels as they have in their power. Indeed, I hear that many executions have already taken place; but I have authentic information of the shooting of twenty sergeants of artillery and one of infantry this afternoon. Before this reaches you, you will undoubtedly see more detailed accounts in the newspapers than I have been able to give you.

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I have the honor to remain, with the highest respect, sir, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hale.

No. 33.] DEPARTMENT OF STATE,
Washington, July 7, 1866.

SIR: Information has been received at this department from the United States consul at Malaga that an order had been issued to the sanitary board of Cadiz, Seville, and Malaga, directing them to consider all ports of the United States as infected with cholera. This information was communicated to the Secretary of the Treasury. I have now to enclose a copy of his reply, and also to instruct you to take such measures with reference to the restriction of the quarantine imposed upon vessels of the United States by her Catholic Majesty's government as may seem to you to be advisable under the circumstances.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., *&c., &c., &c.*

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT, *June* 29, 1866.

SIR: I have the honor to acknowledge the receipt from your department of despatch No. 50, from Mr. A. M. Hancock, United States consul at Malaga, Spain, stating that her Majesty's government had issued an order to the sanitary board of Cadiz, Seville, and Malaga, directing them to consider all ports of the United States *as infected with cholera*, and beg leave to state that the cholera has not appeared as an epidemic at any port or place in the United States during the present year, nor am I aware of its existence now in any form within the United States.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Hale to Mr. Seward.

[Extract.]

No. 40.] LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, July 8, 1866.

SIR: Since I wrote you last, nothing has occurred to change the aspect of public affairs in Spain from what it was at the date of my last letter. The overthrow of the rebellion, then achieved by hand-fighting in the city, seems to have been complete and thorough, and papers in the interest of the government represent that it was not only entire but radical, and that the insurrection was not only subdued but eradicated. I am sorry to be under the necessity of saying that the fears I then expressed to you, that the government would feel themselves compelled to deal harshly with the rebels whom they had taken prisoners, have been and are being realized. The rebellion broke out on the twenty-second of June last, on the twenty-fifth of the same month there were twenty-one individuals executed by shooting; a few days after, six more, then nineteen more, and yesterday, the seventh, fourteen more, making, in all, sixty military executions within two weeks subsequent to the outbreak. These numbers are from the official account.

* * * * *

With much respect, I am your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 48.] LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, August 13, 1866.

SIR: I have received your despatch No. 33, dated July 7, 1866, with the enclosure from the Secretary of the Treasury relative to the cholera, and I have communicated the same to her Majesty's government. I have received no answer to this communication, but from the accounts which the newspapers bring of the existence of the cholera, I fear that there is little prospect of inducing the Spanish government, for the present, at least, to make any relaxation or alteration of the orders already issued by the Spanish government on that subject.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 49.] LEGATION OF THE UNITED STATES OF AMERICA,
San Sebastian, Madrid, August 20, 1866.

SIR: Several untoward circumstances which have occurred—such as the rebellion, change of ministry, and the holding of the office of minister of state by a gentleman who occupied the place only *ad interim*—have caused me to postpone for some time presenting to the government of Spain the views suggested by you in your despatch No. 30, dated May 23, 1866. On the 16th instant,

however, it being the day appointed by the minister for giving audience to foreign ministers, I took occasion to express to General Calonge the suggestions of the despatch. He made no reply at the time, but expressed a wish to have a copy left with him. Although there was nothing in the despatch relating to any other subject, and nothing which, so far as I could judge, would make it improper to be left with him, yet I declined; and, instead thereof, have given him a statement of my own, of the substance of what I said to him.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 58.] LEGATION OF THE UNITED STATES OF AMERICA,
San Sebastian, Madrid, September 15, 1866.

SIR: As I advised you in my despatch No. 49, dated August 20, 1866, on the 16th day of August I communicated to the Spanish minister of state the substance of your despatch No. 30, dated May 23, 1866, and on the 20th of the same month, in accordance with the wishes of the minister of state, I communicated to him from this place an informal statement, in writing, of the substance of what I had said to him. I did not retain a copy of that statement which I sent to the minister, for it was merely an informal statement of my own of what I had said to him, and was a faithful and literal abstract of your despatch to me.

I enclose you herewith a copy of the letter which the minister of state has sent me in reply to said communication, and a literal translation of the same.

I am, with much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor de Calonge to Mr. Hale.

[Translation.]

OFFICE OF THE MINISTER OF STATE,
Madrid, August 30, 1866.

The minister of state of her Catholic Majesty has had the honor to receive the note which the minister plenipotentiary of the United States was pleased to send him from San Sebastian, of the date of the 20th of the present month, transmitting the substance of a communication which the Secretary of State of the Union had directed him to make. The undersigned, appeciating as they merit the express and reiterated protestations which are contained in said note, as well on the part of the President of the United States as of the government, that neither the one nor the other have the most remote idea of intervening, either directly or indirectly, in those matters which belong to our own exclusive jurisdiction, and taking into account the sentiments of entire respect and good will towards Spain which are expressed in said note, finds no difficulty in assuring the minister of the United States that the government of her Catholic Majesty, in giving its attention at an opportune time and occasion to the important subject of slavery existing in the provinces of Cuba and Porto Rico, will do so, in the exercise of their own right and in accordance with principles which they have ever sustained, without permitting their entire liberty of action to be prejudicially influenced by exterior agencies or influences of any kind. The undersigned asks the minister of the United States that in informing the Secretary of State of the Union that the government of Spain is advised of the communication to which he refers, he would inform

him that the President of the United States is correct in having no fear that his motives in making this communication have been received in a bad spirit, or misinterpreted by the minister of her Catholic Majesty.

The undersigned improves this opportunity for reiterating to Mr. John P. Hale the assurances of his most distinguished consideration.

E. DE CALONGE.

The ENVOY EXTRAORDINARY and MINISTER PLENIPOTENTIARY
of the United States.

Mr. Seward to Mr. Hale.

No. 48] DEPARTMENT OF STATE,
Washington, October 8, 1866.

SIR: Your despatch of the 15th of September, No. 58, has been received, and is approved.

The sentiments expressed by the Spanish government, in reply to your communication therein mentioned, are in harmony with the general policy of Spain, as understood here, and are very acceptable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., *&c., &c., &c.*

Mr. Hale to Mr. Seward.

No. 62.] LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, October 23, 1866.

SIR: I send you to-day the Gaceta de Madrid of the date of the 22d of the present month, which is the recognized official paper of the Spanish government, for the purpose of giving you in full the proceedings of the government in a most grave and important matter. You will see by this that by a stroke of the pen every municipal corporation in Spain is dissolved. This is done not by law, but by a royal decree, which it is declared shall govern with the force of law; not until it has been submitted to the Cortes, but until it shall have obtained the consent of the Cortes. This measure is the more significant for the reasons which the proposer of it, Luis Gonzalez Bravo, the minister of the interior, assigns as rendering it nesessary, to wit., that these municipalites were generally in the hands and under the control of parties in opposition to the government.

This measure, coupled with the repeal of all constitutional guarantees, which was effected by the Cortes just after the rebellion of last June was suppressed, leaves Spain, at the present moment, governed by as simple and unmixed a despotism as can well be conceived of—a despotism against which there is no organized opposition, and which is supported by a standing army of about one hundred thousand men.

With much respect, I have the honor to be your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Administration of government—Exposition to her Majesty.

[Translation.]

LADY: When, on the 30th of July last past, by order of your Majesty, and in accord with the council of ministers, I discharged the difficult office of fixing the nature and the extension of the policy which, in what regarded the domestic affairs of the monarchy, the present administration thought of developing, I succeeded in defining with the exactness and clearness that was possible, as well the weighty reasons on which such policy is founded, as also

the grave importance of its first conditions and of its most urgent necessities. At that time it was the purpose only to indicate the opinions of the administration to which your Majesty had vouchsafed your confidence. No one, upon reading the royal order to which I have referred, doubted the intentions of the government; sincere men appreciated, as was right, the energetic attitude of the responsible councillors of the Crown, and their firm resolution to repel with the strongest efforts the attacks of the revolution. We continue in the same attitude; and in consequence of the vigorous will originating therefrom, I have the honor to submit, for the approval of your Majesty, two determinations of great weight, not only because of the matter which constitutes the affair, but also because of the manner in which it is proposed to adopt them.

The ministers of your Majesty came into power, no one is ignorant of it, on an occasion the most critical and dangerous. The responsibility they accepted therewith is proportionate to the difficulties they are obliged to overcome. The enemy they resist breaks all restraints, and only halts in the presence of greater power. It would be a sad thing if the government should believe at any moment that it would be necessary to fortify itself in the exercise of its prerogative by exceeding the limitations of the law, that it should be deterred by a fear of which those who, without truce or weariness, are combatting against it, do not even give any signs in their terrible projects. The minister who subscribes hereto, in concert with the council of which he forms part, does not hesitate to ask your Majesty to deign to establish by decree a reformation of the laws on the organization and attributes of the municipalities and for the government and administration of the provinces.

It may not, perhaps, weary the attention of your Majesty to recall to your memory the state in which the nation was when the municipal corporations now existing were formed on their true bases; that it was but short interval of time until the epoch at which discussion closed and the law of the 25th September, 1863, was sanctioned and went into effect. It is necessary, however, to say something on this point, although in a very few words.

Through the effect of political vicissitudes, and of the movements and modifications of opinions and of parties which for some years past have been taking place, the spirit of legitimate conservatism and of enlightened opposition which constitute the natural patrimony of every government, whatever may be the opinions of the politicians that compose it, had considerably diminished, and with great alteration, as well in the relations which constitute unity and harmony among the higher authorities of the nation, as among those who regulate the administrative functions of the various agents of the government, and establish the discipline in virtue of which these owe to the superior authority faithful aid and absolute obedience. Through this cause the municipal administrations had fallen generally into the power of the persons who, in place of scrupulously doing their duty and maintaining those relations in their purity, in accordance with the spirit and letter of the law in force, availed themselves of the advantages which the representation of the people in municipalities holds out to arrive at ends touching political actions alone, and contrary, therefore, to the purposes of all well-regulated government. Let there be added to this the influence, which I need not characterize, of the deplorable confusion which has been reached in what concerns the controversies of public life, in midst of the discords which are destroying the composition of old parties, and by the effect of the new denominations to which these discords have necessarily given birth. Under favor of such shocks of ideas and of passions and of this evident decomposition, revolutionary tendencies, slowly and cautiously at first, openly afterwards, and with singular haughtiness, came to constitute an imposing organism, and each time made greater and more dangerous demonstrations of their daring pretensions. The revolution, which, by alleging imaginary offences, made a pretence for withdrawing from the pacific field of parliamentary elections, in which it would have been beaten, in spite of all, in consequence of the want of purpose which many of its secretaries, apparently with good reason, imputed to it, displayed its ability and energy in getting possession of the municipalities and provincial corporations. I do not believe it necessary to remind your Majesty of the unity of the impulse and endeavor with which the revolutionary bands entered into the contest in order to appropriate to themselves those influential springs of the general administration, almost at the same time when they proclaimed from the offices of their committees, with the slightest reserve and in the midst of the murmur of banquets, war without quarter on the fundamental institutions of the country, and against the dynasty of your Majesty, by which they are personified. In the strifes to which this movement, electoral and agitating at the same time, gave origin, it must be confessed concert and audacity were displayed on the part of revolution, while on the part of authority there was scarcely perceived any but a few feeble efforts of ill-regulated, timid, and inefficient resistance. It could not be otherwise; the conservative classes of society, and the parties which usually give their support to government, were at variance among themselves, weakened by distrust and doubt, overcome by fearful examples of rebellion, such as never had been seen in Spain, overwhelmed by the unexpected demonstration of Loja, and the bold and significative publications of the elysian fields. That followed which might be expected. Revolution obtained possession of many important municipalities, and triumphed in the deputations from almost all the provinces. With such elements it had ready all that it was possible to desire; the organization of its executive in supreme committees supplied with advantage its absence from the Cortes; its predominance in the municipalities, in the deputations and provincial councils, formed the network for its local agents;

the prerogative of choosing officers of 6,000 reals of salary and under, and that of proposing for others greater remuneration than the new law conceded to the deputies from a province, facilitated the means for filling up the ranks of its subalterns. There existed then a state, moved by the genius of insurrection within the legitimate state, which in vain relied upon and endeavored to sustain subordination to lawful authorities. If the purpose is looked at, the combination could not be more fruitful nor more able; what has originated therefrom, and others which have contemporaneously been established, your Majesty knows; unhappily no one is ignorant of it, and many are still bitterly grieving over it in the bosoms of their inconsolable families. The strength of the government being dislocated in what concerns civil order and in policy, symptoms of such weakness soon showed themselves even in the sacred retreats of the administration of justice. It then began to develop itself with frightful rapidity in a real disorganization of the state. The government, notwithstanding its most patriotic purposes, had gone on losing the high control of the moral influences, that of material forces and of arms, and finally there came a time when this ancient and powerful monarchy was saved, not so much through the noble and brave efforts of those who hazarded themselves in her defence as good men, as through God's providence, which in infinite mercy took compassion on us and blinded the understanding of the revolutionists. To break up the remnants of all these combinations, which still subsist in not a few of the municipalities, deputations, and provincial councils, are addressed, without any disguise of their purpose, the two grave measures which, after long and mature deliberation with the rest of the ministers, and sanctioned by their accord, as I have already said, I propose to your Majesty, well knowing and facing without fear the weight of responsibilities which they lay upon me, and from which the whole ministry rely upon being freed in the judgment of all impartial and judicious persons, and almost of the whole nation, to whose highest advantage they dedicate themselves.

Yes, lady, it is necessary that the existing municipalities, elected during a period of moral and political perturbation, appointed under the influence of fears which each day are passing away, should be entirely dissolved, and be replaced by municipalities which, obeying the inspirations of cooler and purer thoughts, may limit themselves by the purposes of the law which may regulate their organization and define their attributes. It is needful that the instruments of municipal administration be not chosen for the value of their revolutionary character, but for t eir habits of order, for their worth, and the disposition they evince for the discharge of the simple duties that may be confided to them. Men of peaceful habits grieve and keep aloof from any co-operation in public matters when they see, in not a few settlements, that the agents of the municipality have been favored only in regard to the military services they may have rendered at some barricade, or in promoting some outbreak; nor does the present temper of public opinion admit that there should be, for any longer time, individuals in the councils many of whom have, by their errors and deplorable illusions, abused their influence and the initiative which the law conceded to them for other purposes, by favoring more or less directly revolutionary conspiracies.

But inasmuch as the total renovation of the municipalities cannot be realized without modification of the existing law, which, although founded on sound principles, needs, nevertheless, to be corrected in some of its provisions, the government, which must in every respect meet its responsibility before the Cortes, for such cause deems it advantageous to make at this time the amendments which, in its judgment, are on this head recognized as proper by persons of the highest scientific authority in the matter.

It is also indispensable to the ends of our governmental plan, not only that the provincia deputations should be completely renewed, but also that, in the future, their action should henceforth be circumscribed within the limitations that never should have been passed; and that whilst the purposes and aspirations of certain proclivities are unchanged, and the attitude of the times is not improved, it will be necessary to maintain and strengthen them at any cost. Your Majesty will see in what manner the subscribing minister, in concert with his colleagues, understands these limitations. Many of them will, without any doubt, meet the approval of no small number, even among those whom we consider our adversaries. Others have for foundation, as I have already shown, the strong urgency which is felt through all classes of society for re-establishing with vigor the essential elements of authority. Some, in fine, limit themselves to restoring the systematic fitness of different points of law, which have not been properly adjusted, and which, therefore, seem foreign to the enacting principles of its fundamental articles, and the primordial purposes which the legislator ought to propose to himself, and, in fact, intended.

We have unfortunately reached a time when there is no political question which should be considered as of light consequence. This, whose solution I have to-day the honor to submit to the high judgment of your Majesty, would, on any occasion, be of great weight and consequence. At the present moment it takes the breadth and gravity of the risk which has occurred, and is concealed from no one, and which it is necessary to be set aside by the manly decision of our country. The present ministers of your Majesty believe, with stronger reasons than those which could have swayed many of their predecessors, that to attain not merely the confirmation and permanence of these institutions, but their salvation, and that of the conntry itself, and to shut off at once the series of rash hopes, it is in every respect necessary that the government should act exclusively as the representative, which it

is, of the general interests of the nation, and should rise superior to the narrow views and exhausted preoccupations of the diverse partialities which are in antagonism in the field of politics.

Applying this great maxim, which has served as a polar star from epochs the most remote to all governments and to all nations when they have had to conquer the greatest difficulties and to control great misfortunes, the subscribing minister most respectfully proposes to the approval of your Majesty the following decree.

MADRID, *October* 21, 1866.

Lady A. L. R. P. de V. M.

LUIZ GONSALES BRAVO.

[Translation.]

ROYAL DECREE.

In conformity with what has been submitted to me by the minister of government in concert with the council of ministers, I have decreed as follows:

The laws on the organization and attributions of ayuntamientos, and on the government and administration of the provinces, are abrogated, according to the terms which are expressed in the adjoining projects of law, which shall rule as laws of the kingdom until the approbation of the Cortes be obtained to those which will be presented to the next legislature.

Given at the palace, the twenty-first day of October, one thousand eight hundred and sixty-six.

Under the royal rubric.

The minister of government, LUIZ GONSALES BRAVO.

CORRESPONDENCE WITH SPANISH LEGATION.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN,
Washington, December 14, 1865.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor to pass into the hands of the Secretary of State copy of a despatch of the 25th November last, which he has just received from his government, according to which the commandant general of the naval forces of her Majesty in the Pacific will permit, as has until now been done, the entry and departure of the public correspondence at the blockaded ports of Chili, in the mode expressed in the same despatch, and upon express condition that in the same way the official correspondence of the Spanish government should be carried.

The undersigned avails of this fresh occasion to offer to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Bermudez de Castro to Mr. Tassara.

[Translation.]

SAN ILDEFONSO, *November* 25, 1865.

YOUR EXCELLENCY: Under this date I say to the commandant general of the naval forces of her Majesty in the Pacific as follows:

"The ambassador of France at Madrid has expressed the wish of his government that orders may be given you to permit the entry and departure of the public correspondence at the blockade ports of Chili. I have replied, through the medium of the Queen's ambassador

at Paris, that no inconvenience was seen in acceding to this intimation, but that it must be kept in mind in this respect that your excellency, far from placing obstacles in the way of the realization of this wish, had shown yourself disposed from the beginning to facilitate it by bringing about an agreement with the captain of the British ship of the line, which arrived at Valparaiso soon after the declaration of the blockade, and that certainly it was not your fault if such agent did not respond to your invitation, and refused to receive official despatches addressed to the Spanish government, giving evidence of improper partiality by a functionary charged with a public and retributory service. In conformity with the answer given to the French government, you will please to direct that vessels which carry the public mails shall lie to at the entrance to the blockade ports, that their boat or some other belonging to the Spanish ships of war may carry the mails ashore, and there collect such as may there be delivered to them; but if, notwithstanding this show of forbearance on our part, the English agents or those in charge of the mails shall refuse to receive the official despatches of the Spanish squadron, you will prevent any communication with the ports of the republic, as we cannot admit a difference so offensive and prejudicial to Spain. Notice of this determination is given to the governments of France, England, the United States, Ecuador, and Peru," which I communicate to you for your information, and that you may advise the Secretary of State of the United States thereof. God, &c.

M. BERMUDEZ DE CASTRO.

The MINISTER PLENIPOTENTIARY
of her Majesty at Washington.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN,
Washington, December 16, 1865.

The minister of Spain presents his compliments to the honorable Secretary of State of the United States, and has the honor to place in his hands a copy of the official Gazette of Madrid, in which is published the circular of her Catholic Majesty's department of state, which Mr. Tassara read to the Hon. William H. Seward at his interview with him the day before yesterday.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Circular from the minister of state to the agents of her Majesty abroad.

[Translation.]

SAN ILDEFONSO, *November* 23, 1865.

The disagreements which arose last year between Spain and the republic of Peru, which, by good fortune, did not reach a state of declared war between the two countries, and which, at this time, may be considered as completely and satisfactorily ended, gave occasion to the government of Chili, with which we have always kept up cordial relations of friendship, to show to us indications of hostility and ill will, which we were far from fearing, because we had not given the least cause for them.

In a short time these offences were multiplied. The Spanish flag displayed at the Spanish legation was maltreated and scoffed at by the populace, in sight of and with the consent of the armed forces of Chili, which passively witnessed that act, unworthy of any civilized nation; a newspaper called the St. Martin took on itself the task of insulting, in the most unheard-of manner, the Spanish nation, and even the personification of its institutions. The government did nothing to prevent this; did not even choose to protest on the floor of Parliament, or through the newspapers, against such unworthy conduct, thus establishing by its acquiescence, or its lack of reproof, a tacit approval or complicity in such scandalous acts. In violation of the laws of neutrality, and dismissing to oblivion the treaties which united it with Spain, it consented that enlistments of men should be publicly announced for manning and arming the Peruvian war steamer Lersundi. Animated by a spirit openly hostile, it declared stove coal to be contraband of war, for the sole purpose of preventing the Spanish squadron from supplying itself with that fuel, thus causing heavy risks and injury to our vessels and to the treasury. And, in greater proof of its hostile partiality, whilst it refused coal to us, it permitted French vessels, carrying on hostilities against Mexican ports, to take it on board.

It would be a tedious task to enumerate and develop the injuries which the government of Chili so causelessly brought upon a friendly and allied nation, against which no cause of complaint could be entertained, and with which she was connected by a solemn treaty of peace and friendship.

This conduct gave rise to a long series of diplomatic negotiations between her Majesty's minister and the cabinet of Chili, a correspondence which began the 4th of May, 1864. To the repeated communications from the Spanish minister, in which he set forth the series of affronts received, the violation of treaties, and of what not only the ties of old friendship and solemn treaties, but also the rules of simple neutrality between nations which are not enemies, require; to reclamations made in terms the most kind and dignified; to the lively wishes to avoid all cause of complaint and of estrangement between the two people; to anxiety, in fine, of the Spanish government to exhaust all conciliatory measures, that the relations of friendship which it longed to maintain with the republic of Chili might not be disturbed, its government only replied with evasions, with subtleties, and at times with a disdain which added to the offence the bitterness of contempt and of irony.

Notwithstanding this conduct, the government of the Queen did not lose its habitual calmness, nor lessen its wishes to arrive at a friendly settlement. Of this there is proof in the last note passed by the minister resident in Chili on the 12th of May of the present year, in which are recapitulated the wrongs received from that republic, and which, combined with all other important documents on this ill-omened question, will very shortly see the light. To that note the government of Chili replied in the like evasive terms, which had before appeared little satisfactory as well to the government of her Majesty as to her representative at Santiago. Mr. Tavira, nevertheless, admitted he was satisfied, and declared that, *in his judgment*, the explanations given did away with the causes of complaint which his government might have entertained.

But the minister of her Majesty, it is sad to say, had departed from his instructions, having fallen short of them wittingly, as well in addressing his note of the 13th of May, as in accepting the reply of the Chilian minister dated the 16th, and in declaring on the 20th of the same month that *in his judgment* the causes of complaint were done away. He then had in his possession the instructions which, under date of March 25, the government of the Queen had sent to him, that he might govern his conduct strictly by them.

In the said instructions, dictated under the sad impression of so many offences and so many evasions of satisfaction for them, the government maintained the moderation and even temper which had guided it through the long course of the negotiation. Humiliating satisfactions were not asked of Chili; pecuniary indemnities were not required, although it had indisputable right to them, in view of the damage she had occasioned to us by a conduct contrary to special treaties and to the laws of neutrality. All that was asked of Chili was reduced to what has now been demanded through the medium of General Pareja.

1st. Salute of twenty-one guns to the Spanish flag on the day when it can be answered by a ship of the Spanish squadron.

2d. An explicit declaration that it should constitute a satisfaction for the affronts given to Spain.

3d. The faithful and exact fulfilment of the treaty of peace.

These were the only conditions asked of that republic in satisfaction of such and so often repeated affronts and after so tedious and barren negotiation.

As I have before pointed out to you, the minister of Spain completely disregarded these instructions, admitted himself to be satisfied by fresh evasions by that government, and, as a consequence, I found myself obliged to propose to her Majesty his recall, and to intrust the settlement of our differences to General Pareja.

Vain will be the attempt to argue, as the minister for foreign relations of Chili does in his note of the 22d September, that not being able to know the tenor of the instructions of the minister of her Catholic Majesty, it was to be supposed that by acting in conformity with them, and as the settlement of pending difficulties between the two countries was an act passed under authority, as a thing decided when Mr. Tavira declared on the 20th May, that the explanations given by the Chilian minister did away with the causes of complaint which his government fostered. Passing by what Mr. Tavira said that those explanations did away, *in his judgment*, the complaint, expression, *in his judgment*, which the minister of Chili omits, and which omission is of great importance to the matter in hand, passing by also the facts that the acts of a diplomatic agent are never definite until the receipt of the approval and ratification of his government, in the present case it is necessary to say that the Chilian government was not ignorant of this. It knew that the Spanish government might disapprove the conduct of its agent; but more than this, the Chilian government anticipated and feared such disapproval, suspected at least that the conduct of the Spanish agent, of whom spontaneously and in advance it became a zealous and active defender, could not be at all in conformity with the instructions received from his government.

You can see the proof of what I say in the circular which, under date of June 1, Mr. Covarrubias addressed to the representatives of Chili in Europe and at Washington, on giving them intelligence of the settlement effected with Mr. Tavira, copy of which authenticated and proved in an official manner exists in my possession.

"We have the most lively interest," says Mr. Covarrubias, "that the acceptable conduct of so honorable a diplomatic agent (Mr. Tavira) may be approved by his government.

"This interest does not grow out of fear of fresh complications with Spain, but only from the feelings of loyal friendship and the consequences which animate us in respect of Mr. Tavira and of Spain herself. It will very opportunely second her views, and I commend to you to approach the ambassador of her Catholic Majesty at that court in order to make known the opinion which I have expressed to you on the termination of our differences with Spain, and dispel any prejudices which might be fostered against the conduct of M. Tavira."

If the acts of this diplomatist are to pass as sanctioned and definitive, as the minister of Chili now affirms; if, in making the declaration of the 20th of May, Mr. Covarrubias thought that the minister of Spain proceeded in accordance with his instructions, what necessity would there be to recommend and to take action to obtain the approval of her Majesty's government? or what prejudices could there be against a Spanish agent that a foreign government interested in that settlement should take it in charge to dispel them? No plainer proof can be presented than the language I have copied to show that doubt reigned in the mind of the Chilian government; it might almost be said that it entertained the certainty that Mr. Tavira having acted in contravention of his orders, it could not be hoped that his government would approve his conduct.

And, as if the recommendation already pointed out were not enough, Mr. Covarrubias adds: "At the same time, I must charge you to take a step analogous to that indicated near the secretary for foreign affairs of that country, whose opinion on the matter would weigh much in the opinion of the Spanish government. If that opinion should harmonize with ours and be given explicitly to the cabinet of Madrid, our wishes in the matter would be filled up."

It is in every regard unnecessary that I should indicate to you the sad reflections to which these expressions give rise, expressions which are under the signature of Mr. Covarrubias, minister for foreign relations of Chili. They can no less than bring to your mind, and to all who read them, the painful conviction that that republic, knowing that the settlement made with the minister of Spain could not satisfy exigencies of our dignity and honor, was employing also the means you have witnessed to obtain an approval which it did not expect nor could it by possibility expect.

The conduct of the Spanish diplomatist disapproved, he removed from his post, the purpose of the government of the republic to give no satisfaction, however moderate, that Spain asked for such and so repeated affronts revealed, the government of her Majesty was compelled to commend the settlement of these differences to the commander of her naval forces in the Pacific. He was clothed therefore with correspondent full power to make treaties with Chili, and instructions were given him which are published in the Gazeta of this day.

On the arrival of General Pareja at Valparaiso, he transmitted to the government of Chili a note dated the 17th September, in which, briefly recapitulating the several offences which had been given to us, he asked of it in full satisfaction of all that it should give satisfactory explanations on all the points and causes of complaint, and that by one of the forts the Spanish flag should receive a salute of twenty-one guns, *which should be returned immediately* by an equal number of guns in honor of the Chilian flag from one of the vessels of the squadron.

It appears impossible, but it is true, that on the fourth day, that is to say, 21st of September, Mr. Covarrubias replied, refusing decidedly to give any kind of satisfaction, even the very moderate one which General Pareja asked for.

There could be no humiliation in giving a satisfactory explanation to a nation which had in nowise offended the republic, and less still could there be such in saluting the Spanish flag, when we assumed the condition of rendering a like salute to the Chilian flag.

No pecuniary indemnity was asked for, only in case of the refusal of the government of Chili, he might have to use force; then, if it came to so sad a case, that is when General Pareja declared that he should consider it his duty to require indemnification for the damages experienced by the Spanish squadron; "indemnification," said the commander of the naval forces, in his note of the 17th September, "which, *if at this date, yielding to a sentiment appropriate to its character, the government of her Catholic Majesty does not reclaim, unless in the extreme case of having to resort to force; nevertheless, it does not ignore the right which sustains it, and which it is its duty solemnly to assert.*"

The government of the republic, which has always refused any settlement, now alleges, as the cause of its refusal, that so just a demand was made in presence of considerable forces, and fixing a period for satisfaction.

This is no more than a mere pretext. Its resolution was taken; the experience of its past conduct proves this, and so Mr. Covarrubias declared, when the secretary of legation was presented to him as chargé d'affaires by his Majesty's minister. "The government of Chili," said Mr. Covarrubias, addressing Mr. Tavira, "in signing with you the settlement disapproved by Spain, did as mnch as was compatible with its dignity: more it could not, nor cannot do." In corroboration of this language, the government of that nation began to make its preparations on the 12th—that is to say five days before the arrival of General Pareja—by sending forces of infantry and some artillery to the port of Valparaiso, without then knowing on what terms or in what manner the Spanish general would renew the unsatisfied reclamations of his government.

On the other hand, you will readily comprehend that there now remained no recourse for

the commander of the squadron and plenipotentiary of Spain but that which, in accordance with his instructions, he made use of in transmitting his note of 17th September. Sixteen months of continued and barren negotiations, which had entirely exhausted discussion, having elapsed, the dignity of Spain had been trampled on, and all means employed until then, having been utterly fruitless, having produced no result, but a settlement humiliating to such degree that the very government of Chili doubting if it could be approved, appealed to bring this about to the measure of soliciting that influence which deference and consideration towards friendly and allied governments could not but exercise on the decision of the government of her Majesty.

Vain, however, was that expectation. Those governments to which she applied took not the slightest steps in favor of the wishes of Chili, judging, without doubt, that a cause could not be very just for the triumph of which she appealed to such means.

As I have already said to you, the minister of the republic replied on the 21st September to the note of General Pareja of the 17th, and a careful reading thereof will give you to understand the firm determination she was in to refuse any satisfaction of our just demands; held that the full powers with which General Pareja was clothed with did not give him, nevertheless, the diplomatic character necessary to enter into official relations with the government of Chili; did not, for that reason, state grounds on which she rested, but making sure that this circumstance would excuse her from all reply, she would not that the excuse should be interpreted into an evasive, dilatory plea at that time. Rather, on the contrary, she said that she "earnestly desired to arrive, as soon as possible, at a result which would place her in a clear and definitive position"—words which, written in those solmn moments, admit no other interpretation but that of a desire to carry things into a state of war and of definitive rupture.

Nor did she abandon, even on that occasion, her evasive and sarcastic subtleties. "There could be no offence," she says, "in the Spanish flag being insulted by the mob at the house of the legation." The proof is, that affronts given to the flag of a nation which respects itself are of such gravity as make impossible any kind of relations between the offender and the offended; thus it is that Mr. Tavira continued his relation with Chili; thus it is that he did not withdraw from the territory of the republic; thus it is also that the Queen of Spain had the courtesy to address the President, to inform him of events, prosperous or adverse, which occurred in her royal family. At once this became clear proof that there has been no outrage; if there had been, it would not have been tolerated, nor would Chili have received such proofs of consideration and esteem.

The patience, the moderation, the long suffering with which Spain has negotiated for reparation through sixteen months; the fact that she has not chosen to recur to extreme measures by rupture of her relations with Chili and declaring war; these, and none other, are the reasons which are now alleged for refusing becoming satisfaction, and even denying the existence of the offence. Any kind of settlement being rejected by the Chilian government, General Pareja replied on the 22d September, in the evening, intimating that, in consideration of this refusal, if, on the 24th, by six o'clock in the morning, the government of Chili had not acceded to his request, he would be under the painful condition of declaring the rupture of diplomatic relations, and to call on the force under his command. Mr. Covarrubias immediately replied on the 23d, at night, persisting in his refusal, and announcing that the slightest act of hostility which the squadron should take against the republic would immediately produce open war between Chili and Spain. The motive for opening hostilities not having occurred, General Pareja confined himself to declaring the blockade and rupture of relations, a measure which may well be regarded as the beginning of the war. Examples, however, are not wanting in Europe and America which would serve to establish a jurisprudence completely the contrary. It is true, notwithstanding, that to the declaration of blockade congress and the government of Chili responded by declaring war with Spain, and adopting all sorts of measures to carry it into effect in the most thorough manner.

I cannot do less than notice in this despatch some remarks which have been made through the foreign press about General Pareja not having accepted the offer of the foreign diplomatic corps to use its mediation for the settlement of the differences by peaceful and honorable means. Nothing could be more unjust than to deduce from this circumstance any charge against the Spanish general. The diplomatic corps intimated, in effect, to General Pareja no mediations, official or officious, but deploring the rupture imminent between the two countries, reminded him that, by the very terms of his authority, or of his full power, he was under obligation to open negotiations anew. This communication was on the 22d, on which day the note of the 21st, in reply to his of the 17th, was already in the general's hands, and in which the government of Chili flatly refused to give any manner of satisfactory explanation. In view of this decided negative, and in view also of the silence observed by the diplomatic body as to the disposition of the Chilian government, near which it does not appear to have taken the like action, the commander of the forces on the Pacific could not and ought not to have departed from his instructions, exposing himself to a new slight on the part of that government, which showed itself so impenetrable and so resolved to refuse any kind of settlement.

This is not a fit occasion to enter upon an examination of the conduct which in these circumstances the corps diplomatique resident in Chili thought suitable to adopt; but I can

do no less than entertain the opinion on my part that, if from the 12th September, when the disapproval of the settlement made with Mr. Tavira, and the approaching arrival of the Spanish fleet was known at Santiago; or, if from the 17th, when Mr. Pareja presented his note, until the Chilian government answered it on the 21st, in such peremptory terms, by refusing any satisfactory explanation, the diplomatic corps had employed near that government all the influence and advantage given to it by its position to make the voice of reason heard, and the benefit of not carrying things to the extreme of a rupture, it is probable, or at least possible, that the answer of the 21st of September would not have been so decisive and so hostile, and would have left the door open for the realization of the wishes which the foreign diplomatic corps did not think proper to explain to the commander of the squadron until twenty-four hours after the resolution of the government of Chili.

I think these explanations will be considered sufficiently ample, and enough to prove the moderation with which we have proceeded in the course of the negotiations, and that the incidents which having taken place through the conduct observed by Chili—conduct founded on ill-will and unjust prejudices, the cause of which we cannot attempt to explain in speaking of a nation with which we have always succeeded in maintaining relations of most cordial and sincere friendship—these explanations will show to you that, if things have reached the sad condition in which they were to-day, it has been against the wish and much to the regret of the Queen's government. As little can the cabinet of Madrid be accused of having been deficient in the most entire frankness. On the disapproval of the conduct of Mr. Tavira, it conferred its powers on General Pareja, hastened to put this in the knowledge of the government to which you are accredited, through the circular which I addressed to the agents of Spain in foreign countries under date of 7th August, and of which you gave a reading, and left a copy with the minister of foreign affairs. In that communication it is said that the instructions given to General Pareja ordered him to use force against Chili if she refused to give us the satisfaction due. All the governments to which these decisive declarations were communicated acknowledged, not only our right, but also the moderation of our demands. To-day, unhappily, has come to pass, through the obstinate blindness of the cabinet of Santiago, what we then so explicitly announced. We are, therefore, sheltered from any imputation of trifling in our manner of proceeding; we are exempt from any charge of want of frankness and sincerity; we are, in the last place, free from any responsibility for the consequences which may supervene as result of an enmity as unjustifiable as inexplicable, and of incomprehensible tenacity in refusing any kind of settlement and reconciliation.

The government of the Queen expects to-day the declarations it made on the 7th August. Spain does not aspire to unwise conquests or acquisitions of territory in America; does not desire to exercise any exclusive or preponderant influence in the American republics which deduce their origin from the old Spanish monarchy, in respect of its independence and autonomy, and does not wish to exchange more than that which it cannot renounce; that there be observed toward her the respect and consideration due between civilized nations; and that she be treated with the same honor with which other foreign nations are treated.

As for the republic of Chili in particular, we have no sort of prejudice hostile or unfavorable to her, and therefore, as the government of her Majesty is resolved not to allow its dignity, causelessly and gratuitously offended, to remain without the satisfaction due to her, in the same mode it is ready, that object once attained, to renew its old relations of friendship, and to give to oblivion the disagreements which at present separate the two nations.

You are authorized to give a reading of this despatch to the minister for foreign affairs, and leave a copy with him if he wishes.

God save you many years.

MANUEL BERMUDEZ DE CASTRO.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, December 19, 1865.

The undersigned Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him on the 14th instant by Mr. Tassara, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, communicating the copy of a despatch from his government, in which it is announced that the commanding general of her Majesty's naval forces in the Pacific will permit, as has until now been done, the entry and departure of the public correspondence at the blockaded port of Chili, in the mode expressed in the same despatch, and upon express condition that in the same way the official correspondence of the Spanish government shall be carried.

In informing Mr. Tassara that the announcement referred to will be promptly

communicated to the Secretary of the Navy and the Postmaster General, the undersigned has the honor to renew to him on this occasion the assurances of his very high consideration.

WILLIAM H. SEWARD.

Senor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN,
Washington, January 9, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor to address himself to the honorable Secretary of State, to call his attention to affairs concerning the neutrality which the government of the United States has deemed proper to declare in the hostilities between Spain and Chili.

Notorious is the frequency, the impunity, and sometimes even the data, with which the daily press of this country is publishing plans said to be in process of execution, or carried into effect, for supplying arms and vessels to Chili, in contravention of this neutrality. The undersigned has many reasons to believe of these revelations that they rest on some foundation, and perhaps has, in some degree, compromised his responsibility by not having before this given notice of his information about them; but grave considerations, among them and foremost of all the thought of the frankness and loyalty which, during years and despite of critical situations, have reigned over the relations of Spain and the United States, have prevailed in his mind to the present hour, and he has not thought of distracting the attention of the department by reclamations which might not be completely justified; but, notwithstanding, at this day he would fall short of his duty if he should keep silence, in view of an article and a correspondence which have seen the light in one of the leading newspapers of this country, the World, of New York, whose number of the 6th instant is annexed to this despatch, keeping to the very language of the World, as well as leaving to it the whole responsibility for its revelations:

"For account of Chili two vessels have been purchased, laden with a certain class of munitions of war, and escaped to sea, with the purpose of steering for the coast of Chili, blowing up the Spanish ships of war, and thus raising the blockade. One of these vessels was in the United States service in the late war, and has been sold by the Navy Department to the individual from whom the Chilian agent bought it. The officers who went on board were also in this naval service. The torpedoes were manufactured in the city of New York. At the New York custom-house, certificates were procured as for vessels belonging to Chilian citizens, and the ships went to sea under the Chilian flag."

Whatever may be the foundation for these proceedings—and the undersigned does not mean to compromise the responsibility of any one, much less that of the government of the United States and that of the Navy Department—it is difficult, nevertheless, to ignore the character of complete asseveration with which they are enunciated; and it is right to expect that the Department of State will assure itself, not only that its agents have taken no part in this, nor in any other plan of the same nature which may be formed, but that it will hasten to prove, in a manner direct and irrefutable, that, in compliance with the laws of international right, which on this point are the same with the act of neutrality of the United States, that it is resolved to hinder the violation, in that or any other manner, on this occasion, within this territory, of the laws of neutrality referred to. With this purpose, it is proper to point out a fact, of character more indubit-

able, which two months ago took place in a port of Central America, and which proves in the plainest manner the foundation for revelations such as those of the World. Annexed also to this note the honorable Secretary will find the literal translation of a letter dated at Panama the 11th of November last, narrating the explosion in the port of Taboga of sundry barrels of inflammable matter, which chemical analysis proved to be of no other use, unless for the working of mines or the manufacture of torpedoes, which barrels came from the port of New York, and proved their explosiveness by killing three men and wounding six others, on being transhipped to the vessel which was to carry them to Peru, with every indication of being intended for Chili.

In making this communication the undersigned not only takes into account the necessity for rigorous compliance with the laws of neutrality, but also that, at the same time, he may discharge a duty by indicating to the government of the United States the danger there may be to passengers going to Panama by vessels whose cargo might contain materials like those which caused the suspicious catastrophe at Taboga.

The government of the United States understands all the antecedents of the Chilian question, and knows very well that Spain has done no more than ask a satisfaction which it deemed to be due to it on the most unshaken principles of the law of nations, and that even such satisfaction has not been put in form, except on conditions more acceptable than in such cases other nations would have done. The government of the United States knows, moreover, that Spain, manifesting to the last moment the good feelings which actuate her towards the nations of the other America, has accepted first the good offices of the United States, and then those of France and of England, to avoid an extreme solution. The government of the United States knows, in fine, that it is purely and simply a parade of declamation to pretend, at this day, that Spain now comes to violate principles or rights on this continent. The same loyalty, nevertheless, and the same good dispositions give the Spanish government a right to demand the use of the same conduct towards it, trusting sincerely that the United States will continue to observe an impartially neutral course, for which I have given my thanks in my recent despatch which has been communicated to the department.

Lately, it having been published in this country that the Chilian government was disposed arbitrarily to extend the rights of its flag to all foreigners who shall enter in service in this war, the undersigned thinks he should call to mind, even excluding the rules of international law established on this point, there is in existence article XIV of the existing treaty of 1793 between Spain and the United States, which article refers especially to the citizens of this country, and whose tenor is as follows:

"No subject of his Catholic Majesty shall take any charge or commission for arming any vessel or vessels to act as corsairs against the said United States, or the citizens, people, and inhabitants thereof, or against the property or inhabitants of any of them, from any prince soever with whom the United States may be at war. In like manner, no citizen or inhabitant of said States shall seek or accept any charge or commission to arm any vessel or vessels for the purpose of pursuing the subjects of his Catholic Majesty, or of taking possession of his property, from any prince or state that may be, with which his Catholic Majesty may be at war. And if any individual of one or of the other nation should take such charge or commission, he shall be punished as a pirate."

This article was brought to the mind of the Spanish government during the war of the United States and Mexico, in 1846.

In virtue of all these facts, the undersigned trusts that this government will make proper investigations, will repeat the orders which, without doubt, have been given to the judicial and fiscal authorities, and will, in fine, show its resolution to maintain the neutrality which it has shown with such loyalty from the

beginning in the question between Spain and Chili; not thinking, moreover, to call its attention to the particular, also enunciated in the World, of the sale of a monitor to an agent of the other South American republic, because of the antecedents laid down by the government of the United States on a former occasion; and it is not to be apprehended they will be belied on the present one.

The undersigned avails of this fresh opportunity to renew to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

PANAMA, *November* 11, 1865.

I wish to call your attention to a very interesting fact. The steamer Limena, Captain Blomfield, was at Taboga taking her cargo for the south, and shipped several barrels marked C. M., oil, Callao, and E. M., oil, Callao, sent by the house of ———, New York, to a Peruvian residing in Callao by the name of ———. A terrible explosion took place, without apparent cause, on board of the ship which carried them to the steamer. Three men were killed, six wounded, and the flames invaded the rest of the cargo. Captain Blomfield withdrew from the scene of the fire and caused the fourteen barrels already shipped to be thrown into the sea. A chemical analysis, made by order of the English company, has shown that these barrels contained not oil, but an explosive and inflammable mixture of extreme strength, and which could only be applied to mines or torpedoes. In fact, one ounce of this liquid mixed with water and beaten together exploded when a lighted match was placed at a distance of a half a foot in the surface of the water. It is more than probable that this terrible matter was destined to the fabrication of some engine of destruction, and it is easy to devise against whom were prepared these infernal machines. It was not feared to expose the lives of the passengers on board of the English steamer and the ship which carried the fifty explosive barrels from New York to Callao.

Esta conforme.

[From the New York World of January 6, 1866.]

CHILI.

IMPORTANT DISCLOSURES REGARDING THE SPANISH CHILIAN WAR.—THE SPANISH BLOCKADING FLEET TO BE BLOWN UP.—AMERICANS TO PERFORM THE WORK.—DEPARTURE OF VESSELS WITH TORPEDOES FROM NEW YORK.—HOW THE ENTERPRISE IS CONDUCTED.—A FLEET OF IRON-CLADS FOR CHILI, ETC.

[Special despatch to the World.]

WASHINGTON, *January* 5, 1866.

Facts of the most startling character bearing upon the war between Spain and Chili have come to light at this capital within the past few days. It has been ascertained, in a manner that places the matter beyond a doubt, that certain Americans of considerable prominence, especially in New York, have engaged in an enterprise the success of which will involve the raising of the Spanish blockade of the Chilian ports by the most thorough and effective means; nothing less, in fact, than the total destruction of the Spanish fleet through the employment of torpedoes. All the vessels of the blockading squadron, six in number, are to be blown up simultaneously, or as nearly simultaneously as possible. The way in which the affair was brought about is, shortly, this; When the Chilian agent, Señor McKenna, arrived in this country some time since, one of his final acts was to hasten to Washington, solicit and obtain an interview with a very high official connected with the Navy Department. To this gentleman's consideration Señor McKenna submitted a plan for the raising of the Spanish blockade by the means above alluded to. The agent also besought unofficial assistance the gentleman in question could give, consistedly with respect for his position. The result was that Señor McKenna at once returned to New York, fortified with a letter of introduction from the high official to an engineer and inventor then residing in that city, but formerly in the federal service—a gentleman who invented as well as superintended the manufacture of the torpedoes used by the government during the late war. The engineer at once set about preparing an expedition. The order for the construction of the torpedoes was given to a prominent iron manufacturer in New York; a steamer, sold by the government at public auction and subsequently purchased by the Chilian agent, was fitted out; a ship was also purchased to be used as a tender; the torpedoes were delivered on board at the appointed time; regular

clearances for Chilian ports were obtained, and, carrying the Chilian flag and manned by crews selected for the purpose, embracing many adventurous young men, the vessels sailed away. Several weeks have now elapsed. In a short time, in all probability, news of the success or failure of the undertaking will be received. The moving spirit in the enterprise is a man whose filibustering tendencies are well known in New York. He is an incurable speculator, and, with some of his relatives and friends, recently sent a shipload of goods to Matamoros, sinking a fortune in the operation. He is to receive thirty thousand dollars in gold when the flag-ship of the Spanish admiral is blown up, and proportionate amounts for the destruction of other vessels. He receives a salary of five hundred dollars in gold per month during the whole term of his service under the Chilian government. The same amount is paid to his associates. All engaged in the enterprise are under the protection of the Chilian government. The leaders have commissions, signed by the Chilian authorities, declaring that they are citizens regularly employed in the military service of Chili.

One of the chief promoters of the enterprise is an American, a native of New York, brother to the actual commander, and best known by his connection with the construction of the Chilian railways. Ten years he has enjoyed the favor and confidence of the Chilian government. For reasons that are sufficiently obvious I am not permitted to mention names; but of the truth of the facts above related there is no doubt whatever.

THE SPANISH SQUADRON.

Admiral Pareja's squadron, at last accounts, except the Villa de Madrid, which was at Valparaiso, were distributed among the Chilian ports of Coquimbo, Caldera, and Ancud.

THE REPUBLIC OF CHILI.

Chili, or Chile, as it is indifferently written, the most populous and important of the South American republics, is a strip of land between the Andes and the Pacific, in length of coast line about two thousand two hundred and seventy miles, and in breadth averaging from two hundred miles to twenty. The harbors along her extensive coast are neither numerous nor good. The best of them is Talcahuana, in Talcahuana. Valparaiso, though the busiest port in the country, lies open to winds from the northward, and accidents to the shipping in the harbor are frequent. Besides Chili proper, the Chilian government exercises jurisdiction over a large number of outlying islands. The population, according to a census taken, probably with the looseness of Depew, in 1857, was 1,558,453.

The population is very heterogeneous. It is estimated that only between one-fourth and one-third of the Chilians are of pure Spanish blood; the remainder being made up of domesticated Indians, and the fruit of their intercourse with the dominant race. The industry of the country takes mostly an agricultural, at least a bucolic turn. The labor is done by subjugated Indians, who are reduced to a sort of peonage; and the territory is chiefly in the hands of great proprietors. The farms often comprise thousands of acres, and the elevated plains afford pasturage for immense herds of cattle, which are bred and slaughtered for their horns and hides. The tillage is very rude, and but for the singular fertility of the soil would be almost without profit. But the washings from the mountains, which are spread by the freshets over the lowlands, and further diffused by a system of irrigation, which, like that of the Egyptians, is more advanced than the other processes of the country, makes the soil so rich that the surface scratching which is given to it is rewarded by a yield of from thirty to sixty fold. The mineral wealth of Chili is very great. Gold is found in the Cordilleras near the coast, and is mined for after a fashion; but the region which contains it is so inaccessible, and so exposed to the incursions of predatory Indians, of whom bands infest the whole interior country, that the amount obtained yearly is reckoned at less than half a million of dollars. Silver is worked more successfully. In 1858, the last year of which we have exact information of their condition, there were exported, of the product of the mines, over four millions of dollars. But copper is the most important of the minerals of Chili; the export in 1858 amounting to $10,700,000, considerably more than half the value of the entire exports of the year. The commerce of the country, against which the existing blockade is directed, is not, it would seem, of such extent that its destruction would seriously cripple Chili. In 1858 the merchant fleet numbered 269 vessels of all sorts. The government of Chili is, in name, a republic; but, as always happens when freedom is thrust upon a race not fit to receive it, it is a dictatorship; but the forms of freedom are sedulously preserved; a cabinet of four ministers—of home and foreign affairs, of finance, of war and marine, and of religion and education—is ordained to assist the President in his exalted functions, and their integrity is assured by a constitutional provision that they shall not depart the realm within six months after the expiration of their official term.

[Special despatch to the World.]

IRON CLADS FOR CHILI AND PERU.

WASHINGTON, *January* 5, 1866.

This morning the Peruvian minister and an officer of the Peruvian navy visited the splendid monitor Miantonomoh, now at the navy yard, for the purpose of inspecting it. The Peruvian government has already one double-turretted monitor, and her neighbor, Chili, has two, being built in England, and the minister from Peru is anxious to purchase one of our monitors for his government.

Mr. Tassara to Mr. Hunter.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 24, 1866.

The undersigned minister plenipotentiary of her Catholic Majesty has had the honor to receive the note which, under date of 17th instant, the honorable Secretary of State *ad interim* was pleased to address to him, in answer to that of the 9th from this legation, upon the serious indications which existed that citizens of this country were violating the neutrality which the government of the United States had deemed proper to declare in the war between Spain and Chili, not doubting that necessary measures will have been taken to assure the observance of such neutrality.

On acknowledging to-day the receipt of said note, and as another proof of the ground for his suspicions, the undersigned must bring to the knowledge of the honorable Secretary of State that, according to news he has just received, yesterday, and in virtue of a charge made by the consul of Spain, there was detained at New York the steamer Meteor, built some time since, as is public and notorious, for the express purpose of pursuing the Alabama, it is not to be doubted that the detention will be definitive, by force of the evidence which exists that the Meteor was destined to cruise against Spain.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State *ad interim* the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

Mr. Tassara to Mr. Hunter.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 25, 1866.

The undersigned minister plenipotentiary of Her Catholic Majesty must again call the attention of the honorable Secretary of State *ad interim* to the affair of the steamer Meteor, of which he spoke in his note of yesterday, with so much the more urgency as the efforts are the more notorious which, precisely in the ratio of the general conviction which exists as to the destination of the Meteor and her definitive detention, are being made to draw from the government of the United States a resolution contrary to the laws of neutrality.

As must be known to the honorable Secretary of State *ad interim* the Meteor being detained, at the instance of the Spanish consul, by the district court in New York, the case has been communicated to the department.

The advices which this legation have had to this time, and which probably will be corroborated and amplified by others of the same nature, are that the Meteor was expressly built by subscriptions made principally in Boston to pursue and capture the Alabama, combining all the conditions of speed and strength necessary for that purpose, and being intended to carry three guns with a calibre of 60 pounds at the side, 100 at the prow, and another of 300 at the stern.

That the southern war being ended, it was intended to sell her to the government of the United States, and even to some foreign government, always on the belief that she might be considered a formidable war vessel, and yet pass to experienced even eyes as a real merchant ship; that the agents of Chili having entered into treaty for her two months ago, the negotiation was ultimately closed in consequence of the arrival of a new Chilian agent by the steamer of the 12th from Panama, with the necessary funds for the purchase; that the plan was, when once out of the country, with papers for Panama, under the flag, and with a crew in part American, to take in artillery, complete her crew, and change her flag at a neighboring port, thence proceeding at once to operate not only against merchant vessels, but also against the naval force of Spain; that, among various circumstances, which even without these antecedents would have been sufficient to render her suspicious at this late day, was that of her having secretly and at night taken in her supply of coal, there not being in her, beside what might be deemed necessary, any supply; and it being worthy of special attention, as one of the most serious indications, that there was no sign of any cargo for any kind of trade; and, in fine, and it is not the least essential, at the time of her detention there was on board Captain William Rebbolido, commander of the Chilian corvette Esmeralda, who came expressly to take command by the last steamer, there existing an affidavit of an officer of the United States navy that it was he who was to command the vessel *ad interim* and who confirms that fact by his testimony. These circumstances, without speaking of others which the New York press mentions, but which do not appear in proof at this legation, are, in the judgment of the undersigned, sufficient to constitute one of the plainest cases to which section third of the statute of neutrality of 1818 literally refers, to wit: the case of a vessel which prepares and arms, or attempts (to fit out and arm, or procure to be fitted out and armed) with the intent of being employed in the service of a belligerent power with which the United States are at peace, as actually happened with Spain in the hostilities she has been obliged to recur to against Chili, and such being the case, the vessel ought to be confiscated and the persons connected with her punished by fine and imprisonment, according to circumstances.

If the act of the United States had no existence, the prescriptions of international law would always be existent for the purpose of giving it effect and supplying its place. Far from being so, the said law, for the purpose of making more effective the execution of the prohibitions and penalties established by it, authorizes the President of the United States to detain the ships which may be in such conditions, and to use, if needful for that purpose, the land and naval forces and the militia of the United States.

It seems, however, that in view of the tenor of these definitive clauses in the act of neutrality, the efforts of the Chilian agents are now directed to having the case of the Meteor decided in conformity with section tenth of the same act of neutrality, permitting them to give security, more or less considerable, and to depart with their vessel from the territory of the United States. Very well; but the honorable Secretary of State will very well understand that said section ten is merely a general measure of precaution in respect of any armed vessels belonging to citizens of this country, which have to sail from its ports in time of war between two powers in friendship with the United States. This measure does not suppose either a charge or suspicion even against the owners

of the vessel, who, notwithstanding, are obliged to give security that they will observe the national neutrality; therefore, very illy could reference be had to it, of the case of a vessel like the Meteor, against which there exists much more than suspicion, which belongs, therefore, to a different category, and in respect to which there does not exist, nor can exist, any provisions in virtue of which she can be allowed to sail from these ports on condition of giving security. The case assumes much more gravity when it is considered that in accordance with report believed in New York, the true purpose is to give effect to the original plan, not fearing to break openly the very regulations which are invoked, and according to the text of which the purport of the security is no other than that the bonded vessel be not employed by her owners to cruize or act hostilely toward the subjects, citizens, or property of any prince or foreign state with whom the United States are in peace. It would, in effect, be in view, according to the indications referred to, to forfeit the security as an expenditure the more on the expedition, and always to arm vessels in like condition outside of the North American jurisdiction. In this way the good faith of the government of the United States would be mocked, and the act of neutrality of the United States would be converted into an instrument for a deep enterprise essentially contrary to the object which the lawmakers had in mind.

The undersigned does not venture to suppose this; and protests on his part against the whole gratuitous supposition, but his duty compels him to say, what is clearly understood by the very notices which are published on the matter, and to forewarn the honorable Secretary of State *ad interim* against eventualities which are represented as possible.

It would not suffice, no, neither in this case, nor even in any case less grave, to take a security which it would be from the beginning intended to forfeit, and to proceed subsequently as if nothing more were involved than a sum of money.

Neither the letter, nor spirit, nor construction of a law can be at any time so contrary to the principle which dictated it, and the act of neutrality could not have been framed to authorize the breaking of its purport. The security is not in any case more than a caution to hinder a transgression, and its forfeiture by the commission of the transgression does not exonerate from the penalties that are applicable to the transgeession itself. So, therefore, if the Meteor should depart from port, under security, and at once be armed as a cruiser, irrespectively of the sum which may have been deposited, her owners would be liable to trial in the courts of this country; the Chilian government, from the moment she hoisted its flag, would also be responsible to the government of the United States, and the government of the United States would become responsible, in turn, to the government of Spain. Meantime, notwithstanding, a violation of the law of nations of the greatest transcendance would have been committed, and such considerations as these are what the legislation had in view, when authority was vested in the President to supplement the jurisdiction of the courts, by requiring in such case greater guaranties than the bond to prevent the neutrality of the government from being scandalously violated through the bad faith of belligerent agents. The undersigned, nevertheless, cannot admit the possibility that the Meteor should in any view of the case go forth from New York. To the facts alleged, another is alleged, which is of great weight, to wit, the notorious existence of a very real conspiracy against Spain, which shows itself in New York—conspiracy, at the head of which are Chilian agents, who say they are invested with official character, and accredited near this government; a conspiracy, the public demonstrations of which have been such as to permit no doubt of their secret operations; a conspiracy, in fine, to which the undersigned calls the attention of the government with the more confidence, as the good faith of Spain toward the United States during the late war in the observance of the duties of neutrality becomes better known.

If, in fine, more reasons are needful, it would be easy to find them in docu-

ments recently published by the Department of State, and which determine the jurisprudence of the government of the United States upon the matter.

Hoping, then, that on this occasion it will not be wanting to the laws of a neutrality whose loyal fulfilment the Spanish government has hastened to recognize in this government from the outset in the question of Chili, the undersigned avails of the occasion to reiterate to the honorable Secretary of State *ad interim* the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

Mr. De Castro to Mr. Tassara.

[Translation.]

MADRID, *January* 27, 1866.

YOUR EXCELLENCY: The circular of the 7th of August last, and the other documents relating to the Chili question which were published in the official gazette, and subsequently presented to the Cortes, have made known the origin of the lamentable conflict with that republic, and the great solicitude of the government of the Queen within the limits of honor to avoid a definitive rupture with the government of Santiago. All its efforts, its earnestness, and its good will, were, unfortunately, not sufficient to attain the noble end proposed; and yet, when the persistent obstinacy of the Chilian government made the use of coercive measures, to obtain the satisfaction denied by reason and justice, unavoidable, the Spanish squadron limited itself to the act of declaring a blockade of a few Chilian ports, using the greatest lenity and moderation in doing this, with the approbation of her Majesty's government, which was pleased to indorse that moderation of conduct, and remove all suspicion of malevolence in its acts towards the republic of Chili. Such was the state of affairs when the governments of two friendly nations, to which we are bound by ties of mutual sympathy and reciprocal esteem, animated with a lively desire to procure a peaceful settlement of the misunderstanding, proposed to her Majesty to employ their good offices to gain that end. The Spanish government was very thankful for that demonstration of friendship, and accepted it immediately, without hesitating a single instant, as it had done previously with the United States. In acting thus, there was no sacrifice to be made to passion or resentment, for it cherished no hatred against Chili, but rather deplored the necessity of exacting, by force of arms, what had in vain been sought by the pacific means of diplomacy. While this was going on in Europe, the government of the republic, on its part, construing as a want of energy what was only the consequence of our moderation and lenity, continued to observe an unjustifiable conduct, contrasting strangely with ours, and which, perhaps, it would not be hazardous to attribute in part to the stimulus of the partiality shown from the beginning by the proceedings of the diplomatic corps residing in Santiago. Perhaps it might also be attributed to the influence exercised by the intent of acts like those of the commander of the English frigate Mutine, who received the authorities of a blockaded port on board, with customary honors, within the limits of the port, and in presence of the blockader that had permitted him to pass. Encouraged by these acts, and by others not less significant, or perhaps urged by any unaccountable feeling of spite against the old mother country, the government of Chili has responded with violence and anger to the generosity and prudenceof the Spanish government. When the hostility of our forces was still very far from assuming the character of direct aggression, limiting the blockade to the least possible rigor, arbitrary measures were resorted to in Chili against inoffensive Spaniards who had contributed greatly to the prosperity of the republic by their labor and

wealth, and who are now compelled to see the fruit of their toil destroyed, and their persons injured and insulted without any other reason for it than their nationality. Agents were sent to Europe and America, provided with letters of marque to arm vessels for the purpose of pursuing and destroying our commerce, when Spain resorted to no such aggressive measures, as she could have done and had a right to do. And, finally, a Chilian war vessel, the corvette Esmeralda, usurping a neutral flag, and using means more suited to corsairs and pirates than to a respectable military marine, attacked the Spanish schooner Covadonga, much smaller in size and armament, captured it, and imprisoned the officers and crew, after a very unequal but well-contested struggle.

Spanish blood was first shed, not in a fair contest, but in an attack almost piratical, not justifiable by the usage of lawful war, and the act has been approved, applauded, and even gloried in by the Chilian government, until a new situation is produced. in which none of the considerations observed up to this time can be regarded. The death of General Pereja has left Spain without a plenipotentiary clothed with full powers to carry out the arrangement agreed upon, on accepting the good offices of the powers under circumstances certainly very different from those now existing. Your excellency will therefore endeavor to persuade that government that, always thankful for the proofs of friendship and deference due to those two nations, it is not possible, while conferring new powers on the chief of the squadron, to disregard the situation created by the conduct of the Chilian government, nor is it possible to make peace now without avenging the blood shed and the insult offered to our flag. It is now no longer a question of wrongs, more or less conspicuous, which, from their nature, could be settled or compromised satisfactorily. The good offices that Spain accepted, through deference to the governments that offered them, and to evince the rectitude of her intentions, cannot now take place till things are restored to a situation similar to that in which they were when the proposition for a settlement was made; that is, not till after the stain is washed out, and the unqualified aggression of the corvette Esmeralda is punished. With this intent, orders have been dictated, and are this day communicated to the chief of the Spanish squadron, charging him especially to lay aside the moderation and leniency observed till now, to disregard the voice of generous sentiments so little understood and illy reciprocated by the government of Chili, and attending solely to his duty, to keep the Spanish flag in the post of honor it deserves, to make use of all means of hostilities authorized by the law of nations, and carry them to the greatest extremes allowed by the laws of war in any kind of military operations, and to attack the Chilian seaport towns, from which the Spanish vessels have hitherto refrained, on account of considerations that no longer exist, because the responsibility of the consequences must fall on the government of the republic which has provoked by its unjustifiable conduct a situation now no longer deserving the considerations we have been pleased to accord in good faith.

In this condition the government of the Queen, all of whose acts in relation to conflict excited in Chili have been previously announced to the cabinets of friendly powers, in proof of the rectitude of its intentions, desires that the government of the United States may have a full knowledge of all that I have expressed; and therefore it is the will of her Majesty that your excellency inform the minister of foreign affairs of that government of the contents of this despatch, endeavoring to convince him of the perfect right Spain has to adopt a line of conduct so different from that which she has observed up to this time. The first sanguinary aggression came from the government of Chili; the first lives sacrificed were Spanish; the first treacherous attack by Chilian forces has forced us to seek revenge upon the entire coast. They were Chilian commanders, too, who, sacrificing the blessings of peace upon the altars of pride, have, by their conduct, rendered a pacific solution of the conflict impossible; for these reasons, the government of the Queen would fail in its most sacred duties if it did not

try to wash out every stain that tarnishes the honor of its arms. This is the object of its aims, but first it wishes to prove that the sole responsibility for the ills that may result bears exclusively upon the republic that provokes us to a sanguinary war, and that the government of Spain, constant to its frank and loyal policy, makes known its intentions in advance, stating the justifying causes, that it may never be accused of views inconsistent with its character of rectitude. Notwithstanding all I have said, your excellency may assure the minister of foreign affairs that when equality is once more re-established by means of an honorable and indispensable reprisal, the government of the Queen will be disposed, as before, to enter into pacific relations with the republic of Chili, if her government desires it.

God give you many years!

BERMUDEZ DE CASTRO.

The MINISTER PLENIPOTENTIARY
of her Majesty in Washington.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 28, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has had the honor to receive the notes of the 24th and 27th, from the department, in answer to his of the 24th and 25th, about the detention of the Meteor. The honorable Secretary of State *ad interim* replies in both that prompt attention will be given to the affair, and the undersigned hopes this may be done with the urgency which the case requires. At the same time, and referring to his previous note of the 9th about what was said in the World, of the 6th, of the departure of two vessels, armed with torpedoes, for Chili, the undersigned feels bound again to call the attention of the department to a correspondence, dated at New York the 30th December, and published in the Herald, from London, and which has been copied in the papers of this country, referring pointedly to the same facts which had already been published in the World.

It is hard upon the undersigned to be obliged to dwell upon such suppositions, and he now repeats his security in respect of the high responsibilities which, calumniously no doubt, are compromised by them. Whatever may be the origin of them, notwithstanding, and strange as may be to the government of the United States acts like those mentioned, their transcendence is so much the greater when, in many minds, they are mixed up with facts, such as the explosion at Taboga, and prove more and more the movements of the conspiracy which, under the shade of neutrality, exists in this country to violate that very neutrality adversely to Spain. In the face of such facts, the government of the United States cannot remain indifferent, and supposing orders, which doubtless have been given on these matters, and the investigations which have been made into them, the undersigned can do no less than call the attention of the department to the necessity of disavowing, in some manner, the opinion that the neutrality of the United States can be publicly and with impunity violated by preventing, among other things, floating about, without correction, notices such as that which assumes the possibility that vessels of the navy—the ram Dunderberg, which is still in the hands of its builder, Mr. Webb—may be sold to the agents of the Chilian government.

The undersigned avails himself of this occasion to reiterate to the Secretary of State *ad interim* the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

[New York Herald of 27th of January.]

THE CHILIAN QUESTION—ALLEGED AMERICAN AID AND COMFORT TO THE CHILIANS—EFFECT OF THE CAPTURE OF THE GOVADONGA IN EUROPE, &c.

[Correspondence London Herald.]

NEW YORK, *December* 30.

An expedition has already sailed from this port, the object of which is to make a direct attack—an attack which, if successful, will put an end to the blockade—upon the Spanish fleet in Chilian waters. The design of the inspirers and leaders of this expedition is to destroy the Spanish vessels with torpedoes; and what is most important, the enterprise receives at least the covert sanction of the United States government, as represented in one of its highest officials. A few weeks since, Señor McKenna, the Chilian special agent, waited upon Secretary Welles, and represented to that officer the necessity for the destruction of the Spanish fleet. He spoke of the benefits that would result to the United States from such an event, and finally enlisted the sympathies as well as the more practical assistance of the honorable Secretary. The Chilian ambassador told Mr. Welles that the American civil war afforded a striking example of what might be done in the way of annoying a hostile fleet, and declared, in plain language, that his government was determined to try the virtue of torpedoes in the work of opening its ports. He therefore entreated the Secretary to give him the name of some person then or formerly in the employment of the federal government upon whose experience and sagacity the Chilians could rely. Mr. Welles consented, and furnished him with a letter of introduction to an engineer, then residing in New York, who had served the United States during the war, and the efficacy of whose inventions had been thoroughly tested Señor McKenna put himself in communication with this officer, and the upshot of the whole affair is that one vessel, conveying a cargo of torpedoes, has already sailed for the Chilian coast. Others are to follow in due time. These submarine shells were made in the Novelty Iron Works in this city; the vessel was loaded at the company's wharf. No attempt at concealment was made. The torpedoes passed, to those who witnessed the shipment, as well as to the workmen engaged in their manufacture, as "soda-water fountains." The engineer who has undertaken the task of raising the blockade is the brother of an enterprising American who has long enjoyed the confidence of the Chilian government, and who has accumulated a handsome fortune in the construction of railways in Chili. All parties concerned in the work of blowing up the fleet have been promised the protection of the government they seek to benefit; all bear regular commissions, signed by the Chilian authorities. The leader in the enterprise is to receive thirty thousand dollars in gold as soon as the Spanish admiral's flag-ship is destroyed, and he has, in addition, a regular salary of five hundred dollars per month in gold. His assistants also receive five hundred dollars per month. What is quite significant is the fact that the torpedo vessel used by our enterprising Yankees was sold to them by the United States government at a merely nominal price. In fact, the whole affair is winked at by our government. I understand that the British consul here has been placed in possession of the more important of the facts above related. The matter cannot long be kept a secret here; indeed, in a few weeks it is highly probable that it will be made public in the most startling and convincing manner.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, February 7, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, finds it his duty to call the attention of the honorable Secretary of State to an affair which is intimately related to the detention of the Chilian cruizer Meteor by the authorities of New York, and to the conspiracy which exists in this country to violate the laws of neutrality against Spain.

According to advices received this morning from the Spanish consul at that point, it appears that, as the results of documents and evidence of the gravest character, the grand jury yesterday found a bill of indictment against the Chilian agent, Mr. Vicuña McKenna, and the court made an order for his arrest. The police proceeded yesterday afternoon to comply with this order, and Mr.

Vicuña McKenna refused obedience to it, alleging that he held the rank of secretary of legation. The agents of the court replied that such rank was not known to them, but in the end he was permitted to remain in his house with a guard, and to send a telegram to the chargé d'affaires of Chili at this capital, for the purpose of obtaining from the department of State an order that he should be set at liberty. There are two things of the greatest notoriety—1st. That Mr. McKenna is a Chilian agent; 2d. That he has no diplomatic character, and consequently does not enjoy any immunity. That Mr. McKenna is such Chilian agent, that he is laboring actively to violate practically and in deed the neutrality of this country as against Spain, is a matter he has proven by publishing newspapers, making speeches in public places, treating of arming expeditions, and exciting citizens to cruise against Spain, in open violation of the very law of the United States, which, in such case, declares them to be pirates and subject, so far, to the penalties of piracy. (Treaty of 1795 between Spain and the United States.) If this were not enough, his character as such agent seems to follow from the very documents in virtue of which he has been accused and ordered to be arrested by the court at New York. That Mr. Vicuña McKenna has not either the diplomatic character, and consequently cannot shelter himself by that against the process of the common law of the country, is a matter no less in proof by all the facts and all the antecedents of his sojourn here.

On his arrival from Chili Mr. McKenna announced himself, or was announced, sometimes as minister or special commissioner to this country, and at others as commissioner not only to this country but to others in Europe, and although the undersigned alluded principally to him in saying, in his note of the 25th of January, that there existed in New York a conspiracy against Spain, at whose head were Chilian agents, who said they were invested with official character, and were accredited near this government, the undersigned took care, however, not to intimate anything more than that "they said they were invested with such official character," because there had not come to his knowledge, in relation to Mr. Vicuña McKenna, any of those official acts or formalities which authorize or give reason to suppose a character so noted as that of minister or diplomatic commissioner near a foreign government. Such acts, if they have taken place, are at this moment unknown to him, and the very fact that Mr. McKenna now announces himself not even in the character of minister or commissioner, which in the outset was attributed to him, but that of secretary of legation, which he assumed neither at first nor afterward, that very fact proves better than any reasonings the utter invalidity of that or any other appointment which he could allege as a protection in the very act of the execution of a warrant of arrest issued against him by a court of the United States. The object cannot be more clear, and it is to be hoped the government will not allow the law to be evaded by means so contrary to all established rules either of common law or international law. So evident is this, that the supposition cannot be for a moment admitted that Mr. Vicuña McKenna can, for a moment, be considered by this government to have the least right to be treated otherwise than in such manner as any other resident foreigner would be who should be accused of violating the laws of the country. The question, moreover, is such that if in fact there might have been any act or antecedent not known, in virtue whereof the agent referred to might invoke some diplomatic privilege, the offence with which he appears to be accused would only be of greater gravity, and the government of the United States would know how to deal in regard to him who, under shelter of an always questionable inviolability, should have so greatly compromised the neutrality of this country towards Spain. The case, nevertheless, does not present the least probability, and what is now going on is the strict and faithful observance of the laws of the United States, without modifications nor privileges, which not only will have no foundation on which to rest,

but would give room for the most unfavorable constructions. It should also be well borne in mind, that if, in conformity with the spirit of the times and the principles already formally recognized by the greater part of the maritime nations, the ancient laws of neutrality should now receive an interpretation, that interpretation would necessarily be in a sense restrictive of cruising, each time more and more likened to piracy, not to say what would be appropriate about certain particulars, such as caused the explosion at Taboga, and should engage the efforts of neutral governments more and more in the repression of contraband of war.

The undersigned will not close without dwelling on the necessity that this government, convinced by this flagrant proof of the conspiracy which exists in this country against Spain, should proceed with severity and energy in the investigations of the plans revealed during a month past by the World in New York, and confiding the more every day in the good faith of the United States, reiterates to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, February 8, 1866.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note of yesterday's date, relative to the bill of indictment found by the grand jury of the city of New York against Mr. Vicuña McKenna, an alleged Chilian agent, and to state, in reply, that the matter will have proper attention.

The undersigned offers to Mr. Tassara on this occasion renewed assurances of his very high consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, February 8, 1866.

SIR: In further reply to your several recent notes, relative to the case of the steamer Meteor and her detention at New York, I have the honor to state that a report has been received by me from the United States attorney in that city, from which it appears that all proper and necessary steps have been taken by him to prevent any infraction of the neutrality laws of the United States.

I avail myself of this occasion to offer to you renewed assurances of my highest consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, February 18, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor to address himself to the honorable Secretary of State of the United States, to make known to him that since the public and notorious fact of the explosion at Taboga, occasioned by sundry barrels which contained inflammable materials for the use of torpedocs, it is announced through the same channel that there had been sent from New York, by the company of Wells, Fargo, a torpedo, marked "W. S. Betts, Aspinwall," and besides twenty-two cases, probably with ingredients, with the mark "V. T. C.," all under care of a citizen of this country called Mr. Dows. At the same time, correspondence lately received from Callao announces the arrival at that capital, bound for Chili, of a quantity of torpedo projectiles, to be employed against the Spanish squadron, coming also from New York, and in charge of another citizen of this country. In view of these circumstances, the undersigned thinks proper to call the attention of the Secretary of State, in order to obtain the establishment of strict watchfulness over what vessels are doing, as well for the company to which I refer as for every other vessel which may take shipments of this nature; and the more so when it appears known to the honorable Secretary of State that Peru has declared war against Spain, and renders equally suspicious whatever is directed to the ports of Peru as to those of Chili.

In the hope the honorable Secretary of State will deign to accede to so just a request, the undersigned avails of the occasion to reiterate the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, February 20, 1866.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him by Mr. Tassara on the 18th instant, relative to the alleged shipment from New York of explosive projectiles, supposed to be destined for use in Chili. In reply, the undersigned has the honor to state that the subject of Mr. Tassara's communication will receive prompt and proper attention.

The undersigned offers to Mr. Tassara, on this occasion, renewed assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, February 27, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, regrets to have again to call the attention of the honorable Secretary of State to the affair

of the Chilian agent, Mr. Vicuña McKenna, in consequence of the affidavit which was presented on the 14th by the said McKenna to the district court at New York, of which the department has, without doubt, had notice.

In his note of the 7th, in remonstrating against the pretence of Mr. McKenna to diplomatic immunity, the undersigned proceeded on the supposition that said agent had no formal appointment from the government of Chili, as appeared to be deducible from the fact of his having first announced himself as minister and commissioner, and afterward as secretary of legation, and in specifying the legation to which he belonged.

With the affidavit Mr. McKenna has, notwithstanding, presented a document of the 22d November, signed by the minister of Chili, communicating to him the appointment his government had conferred upon him as secretary of the said legation of Chili in this country.

As to what regards the character of Mr. McKenna, in respect of the government of the United States, the undersigned has nothing to remark from the moment when the honorable Secretary of State has certified to the court that it appears from the archieves of the department that Mr. McKenna is not and never has been such secretary of the legation of Chili in this country, and when the court gave its decision according to that certificate.

But in what regards, notwithstanding, the government and legation of Chili, not only can they not repudiate the character they have conferred on Mr. McKenna, but as little can they throw off the responsibility to which they are committed by his acts.

This being so, the undersigned has only to let Mr. McKenna speak in his cited affidavit.

After referring to his appointment by the Secretary of State of Chili to come to this country in the character of such secretary of the Chilian legation at Washington, and of confidential agent of that government to imbue the public opinion of this country with the justness of the cause of Chili, &c., Mr. McKenna continues by saying:

"Immediately after arrival in this country, the declarant had an interview with the minister from Chili, and very soon gave several lectures and speeches in this city, (New York,) for the purpose of presenting the war of Chili under its true aspect of honor, patriotism, and justice, against the atrocity of the attack on the part of Spain; that these demonstrations were made to thousands of citizens of New York, at the Cooper Institute, and various other places in said city; that with the same purpose he issued many publications in pamphlet form, and brought out a paper in the Spanish language under the title of Voice of America, of which several numbers have been issued. The declarant was in Washington, in the month of January last, for some days, and during that time resided in the house of the minister from Chili, as a member of his family. While the declarant was there, Mr. Seward, Secretary of State, was absent from the country, and Mr. Hunter, who was Secretary *ad interim*, was invited to dine with the minister from Chili, who presented the declarant to Mr. Hunter as secretary of the Chilian legation; and the declarant was also presented as such to the President of the United States at a public reception, and on other occasions to Lieutenant General Grant, to Major General Sherman, and various other high official personages.

"The declarant says, moreover, that he has in his possession a document in Spanish, all in the handwriting of the minister from Chili."

The undersigned does not pretend to prove more than what is proven in these paragraphs, to wit: That he came to this country in the character of such secretary of legation of Chili; that, arriving at New York the 19th of November, on the 22d his appointment was communicated to him by the minister of Chili; that as such secretary he has labored, and been considered since as of that legation, and that responsibility for his acts is the responsibility of that legation and

of its government. As for the nature of these acts, the honorable Secretary will determine whether those set forth in the affidavit are not already in themselves such as cannot be done without the violation of neutrality.

Even in regard to the publication of the Voice of America, of which Mr. McKenna announces himself to be editor, the official relations of the legation of Chili with its secretary are so manifest that in No. 3, of the 11th February, of which copy is annexed, is published an official note addressed by the minister of Chili to your Department of State, and which he says was obtained from the legation. Said note, which, excluding every other consideration, is contrary to the treaty existing between Spain and the United States, and even has tendencies towards enlistment in this country, has been without doubt replied to in suitable terms.

Trusting in the loyal neutrality which the United States are maintaining, the undersigned restricts himself to presenting these facts to the consideration of the government, availing himself of the occasion to reiterate to the honorable Secretary of State the assurances of his very high consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation of annex to note 14 of 27th February, 1866, from La Voz de la America, No. 3.]

Meantime we permit ourselves to call the attention of the minister of the Spanish navy to the following noticeable document which we have obtained from the legation of Chili at Washington:

LEGATION OF CHILI,
Washington, December 27, 1865.

The Spanish government having given instructions to its cruisers to treat as pirates the Chilian cruisers whose crews do not consist in the greater part of Chilians, the government of the undersigned solemnly protests against these arbitrary prescriptions, and is resolved, in case they be carried into effect, to avenge them by the severest reprisals. The government of Chili will protect, by all means possible, as well the officers as the crew and equipment of the cruisers and public vessels of Chili, even though they be foreigners, who, while they remain in service, enjoy all the rights and privileges of Chilian citizens.

F. S. ASTA BURUAGA,
Chargé d'Affaires of Chili.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, February 28, 1866.

SIR: This government having been officially apprised of the resumption of hostilities by Peru against Spain, I am directed by the President to state, for the information of your government, that, in the treatment of armed vessels of both belligerents within the maritime jurisdiction or in ports of the United States, the rules of public law and the statute of the United States upon the subject of neutrality will be strictly and impartially observed.

I avail myself of this occasion to offer to you renewed assurances of my highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 3, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has had the honor to receive the note of the 28th February, which the honorable Secretary of State of the United States pleased to address to him, advising him that this government had been officially informed of the renewal of hostilities by Peru against Spain, and that in consequence, in the intercourse with the vessels of both belligerents within the maritime jurisdiction, or in the ports of the United States, the regulations of international law and of the statute of the United States on neutrality would be strictly and impartially observed. The undersigned will so communicate to his government, requesting the honorable Secretary of State to be pleased to place in his knowledge any prescriptions which within those regulations this government may please to establish, in order to their punctual observance by her Majesty's vessels of war.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 5, 1866.

The press in this country has published a decree of the dictator of Peru, dated Lima, 2d of January, the text whereof is as follows:

"All foreigners who serve on the Peruvian ships of war, or Chilian, or any other of the powers allied with Peru and Chili, whether belonging to the marine or intended for crusing, shall be considered as naturalized Peruvians. In all such cases naturalization is obtained by the simple fact of the acceptance of his services."

As the honorable Secretary of State will know, this decree, as well as that issued by the government of Chili, to which the undersigned has incidentally referred in former notes, cannot invalidate the rules universally recognized, of international law, which require naturalization previously to going on a criuse, nor the regulations of the government of Spain by which it is required that the crews of Chilian criusers, and consequently of Peruvian, should be composed in greater part of subjects of the respective nations, in accordance with the same rules, nor, in fine, the treaty in force between Spain and the United States according to which the subjects of both countries who may cruise against the respective governments are subject to the penalties of piracy. The effect of such decrees can be no other than to lead estray the ideas of citizens of this country on the true nature and serious consequences of the act they may commit by cruising under the Chilian and Peruvian flags, on the false supposition of a naturalization which is unfounded either on the rules of international law or the provisions of treaties.

The undersigned avails of this fresh occasion to offer to the honorable Secretary of State of the United States the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 9, 1866.

The undersigned, her Catholic Majesty's minister plenipotentiary, has just received information that a vessel (her name Pancas or Poncas) intends to leave to-night or to-morrow from New London as a privateer against Spain.

The undersigned begs the Secretary of State to give the necessary orders to stop said vessel. A telegraph from the Secretary of the Treasury to send the revenue cutter stationed at New London would secure her for information. More particulars will be sent directly to the State Department.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State of the United States the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 10, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has advices that the owners of the Meteor applied yesterday to the district court at New York, praying that she may be released under surety, and that the application was to be decided on Monday the 12th instant. The undersigned must believe that under existing charges and proofs the court will not accede to the application. He hopes, however, that the government of the United States in the sphere of its attributes will give instructions to the district attorney of New York to oppose it, trusting that, even in the case of the court acceding to the motion, the vessel will not be delivered to the owners.

The undersigned must urge this matter the more as the Meteor, not having, as is notorious, the qualities of a merchant vessel, there is no reason for letting her go on any ground, having reason to suppose that her owners, in accordance with the Chilian agents, are disposed not merely to lay down the security in question, but whatever other additional securities may be exacted from them, in order to use the vessel, once outside the jurisdiction of the United States to go and cruise against the commerce and mercantile marine of Spain. What follows, therefore, is, that the cause may take its course, always on the supposition that the vessel be not given up. Hoping this, as well from the justice and the good faith of the United States, the undersigned avails of the occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 29, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, thinks it his duty to place in the hands of the Secretary of State an article which,

under the heading of Chilian strategy, has been published in the New York Herald of the 16th instant, by Chilian agents. Although without other importance, this article has that of being additional evidence that there exists in this country an official agency of the Chilian government, at whose head, with the title sometimes of secretary of legation, at others of envoy, is Mr. Vicuña McKenna, which not only has for object the violation of the laws of neutrality, but also makes public profession thereof. The letter spoken of came in fact into possession of this legation under suspicious circumstances. The honorable Secretary of State will decide whether this document should be sent to the court which is proceeding in the case of the said Mr. Vicuña McKenna.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

CHILIAN STRATEGY.

A HUGE HOAX ON THE SPANIARDS—THIRTY THOUSAND DOLLARS SPENT IN HUNTING IMAGINARY PRIVATEERS—EXPLANATION OF THE SUDDEN DEPARTURE OF THE SPANISH WAR VESSELS FROM THIS PORT—A BOGUS LETTER, A DELUSION AND A SNARE—FRONTI NULLA FIDES, ETC.

It will be recollected that a few weeks since two Spanish war vessels, the Carmen and the Isabel la Catolica, arrived at this port from Havana, whence they had been despatched, according to one report, to watch the alleged Chilian privateer Meteor, and protect the Spanish shipping along this coast from Chilian or Peruvian privateers; while another reason assigned for their unexpected visit to New York was that they had been ordered here to be overhauled and repaired preparatory to a cruise in unknown waters. The authorities at the Brooklyn navy-yard, upon the latter supposition, tendered the commanders of these vessels all requisite facilities, at the instance, it was reported, of the State Department at Washington; and this offer was duly animadverted upon at the time in the columns of the Herald, as being more than neutral, and in strange contrast with the course pursued toward the Chilian envoy here by our government. Instead, however, of going into dock at Brooklyn, or lying in wait for the Meteor and other expected privateers, the next fact that transpired in the visit of the Spaniards was that her most Catholic Majesty's men-of-war had departed as suddenly and mysteriously as they had arrived, leaving nothing to indicate their destination or the motive of their abrupt departure. That a stay of several weeks at least in this harbor was expected is evident from the preparations which the officers of the Carmen and Isabel had made to enjoy the festivities and amusements of New York. Arrangements were made, a day or two after their arrival, to give a grand ball on board the Carmen; but the pleasing expectations of enjoying a little broken English with the fair señoritas Americanas, amid the music and mazes of the dance on the deck of her most Catholic Majesty's frigate, were not destined to be realized. Orders were given to put to sea at once. The officers, especially the juniors, were terribly chagrined to be torn away thus suddenly from the *dolce far niente* they had but begun to enjoy on shore. From their superiors they could not obtain the least word of explanation of the unexpected change of programme. Nothing further was heard of the vessels here until Wednesday last, when the news of the arrival of the Isabel—the Carmen following—at Havana was published in the Herald.

After considerable manœuvring and diplomatizing we finally discovered the grand secret of the mysterious movements of the two Spaniards, which have perplexed so many.

THE PLOT.

The facts are as follows: It appears that the Chilian agents, both in Europe and in this country, have been working hard to create a panic in Spain by circulating alarming reports of the presence of privateers in various waters. By skilfully concocted reports five formidable privateers were believed to be off Valencia, two at Puerto Rico, and several more in the gulf of Mexico and elsewhere. The consequence was that the commerce of Spain was seriously embarrassed; insurance on Spanish vessels could not be effected; ships loading at various ports were unloaded upon receipt of the dread intelligence; the Spanish mail steamers were afraid to put to sea, unless convoyed by a vessel of war; public alarm meetings were held at Barcelona and Cadiz; and, lastly, the attention of the Cortes was directed to the privateer question. One of the leading spirits and chief conspirators in these manœuvres turns out to be Señor B. Vicuña McKenna, the Chilian envoy resident in this city, who

has already been before the public as an active agent of the Chilian cause in connection with the steamer Meteor. Acting on the maxim that "stratagems are fair in love and war," Señor McKenna's attachés, at the suggestion of one of their number, Mr. Sarrotea, devised the following scheme to "sell" the Spanish authorities here and in Washington, and at the same time to remove obnoxious war vessels from this port:

With the envoy's consent a letter in Spanish to the Chilian minister at Buenos Ayres was written on his official paper, bearing an excellent imitation of his signature. Here is a literal translation of the document:

TRANSLATION OF THE BOGUS LETTER.

CONFIDENTIAL AGENCY OF CHILI IN THE UNITED STATES,
New York, February 21, 1866.

MY ESTEEMED FRIEND: With sincere regret I have read your letter dated from Buenos Ayres, in which you inform me of your unpleasant rupture with the government of Uruguay. The hand of Spain may be plainly seen in this intrigue, and it is evident that we have nothing to hope for from that republic. With regard to La Platte, I am confident that when the deplorable war in Paraguay is over, our old and excellent friend, General Mitre, will know what position to assume in the Chilian question. I proceed to give you, as usual, a hasty sketch of the progress of our operations. The most notable event which has taken place is the capture of a steamer called the Meteor, which, it is supposed, was going from here as a privateer, and the subsequent arrival of two Spanish men-of-war from Havana—the Carmen, of forty guns, and the Isabel la Catolica, of sixteen guns. The Spaniards here have been led to suppose that the aforementioned steamer was intended for a privateer in the Antilles, and they have succeeded in detaining her. You will understand that this event has not troubled us since, without having had anything to do with any such vessel, we have detained here, with but a shadow, two Spanish vessels. This circumstance has been the happier inasmuch as it has withdrawn the attention of the enemy from the real points of importance. As I informed you in my last letter, our friend A. M., who was the confidential agent of Peru here before war was declared, was so fortunate as to carry out several enterprises with the $500,000 in gold which he brought with him, and certain operations in the consignment of guano, in which prominent men of Washington and of this city have taken part. I could not associate myself with those enterprises for two important reasons: First, because of that fatal principle of absolute neutrality in this country which is so prejudicial to us, and which must be observed; and, second, because we have no money, not having yet contracted the loan in London. Besides, as the cause is common, it matters not who has done these things. His operations concluded, whose base was the southern ports, because those of the north are so vigilantly guarded, A. embarked for Aspinwall on the 21st of January, taking with him the celebrated Captain C. J., who commanded the Merrimac in the famous combat of Hampton Roads, and three other officers of high grade in the confederate and federal navy of the north. By this J. and his companions (who it is believed here are on their way to Callao) should be on board of the two corsairs fitted out in Savannah and Galveston, Texas, and it is possible that they have already completely destroyed the Spanish mercantile marine between Cuba and the Peninsula.

According to the plans of A., J. ought, in preference, to attack the semi-monthly steamers between Havana and Cadiz, disembarking the passengers, whom he should treat with the utmost consideration, at St. Thomas and Curaçoa, sending the vessels thence to the Pacific with the arms and reserved crews at his disposal. We have lately learned that a frigate had sailed from Cadiz as an escort to one of those steamers, but we suppose that it may be only for a few hundred miles, while the Spaniards believe themselves menaced by the Eagle, which, as you know, is commanded by the brother-in-law of Williams, and the Condor, which we have also learned sailed from Glasgow in the direction of the Canaries. But even in case J. should meet a frigate he will attack her, since his vessel is magnificent, and carries three hundred pounders, which J. himself constructed in the foundry at Selma, upon the banks of the Alabama river, when he had charge of the establishment during the war with the South.

So you already see, my friend, that if you in Montevideo have not been able to despatch the privateers, neither can I do it here, in order not to have any difficulty with the laws of this country, which shows itself so well disposed towards us. Our allies, the Peruvians, had the chance of doing it with perfect ease at the opportune moment, and without violating any law. Oh! my friend, if we but had the Chincha islands what prodigies we should perform. At the same time we know that an active and ingenious friend, S. C., has despatched from the slightly guarded port Cette, in the south of France, a vessel which was got ready in Toulon, but that he could not arm her in that city for fear of the vigilance of the French authorities, who undoubtedly sympathize with the Spanish government. According to what L. has written us the corsair from Cette is very fast, has a first-class engine, and masts capable of carrying heavy sail. She will carry on destruction in the Mediterranean, and afterwards will go to the Canaries, Montevideo, and Chili. It appears that this is certain, for it would not be advisable that a vessel which has cost nearly a million and a half of francs should remain longer than a month in the Mediterranean. The Spaniards, French, and, perhaps, the English would pursue her. For some days we have believed that she is the same vessel

which was seen near Valencia, and we attribute the belief that she is iron-clad to a light plating of iron which she has on either side of her engines. She was not further clad, to avoid making her heavy.

This, my friend, is all that I have to communicate to you respecting the privateers. You will learn, then, with satisfaction that before six months the commerce of Spain will have no existence in the world, and thus O'Donnell will suffer for the evil which he has done to his own country, which for so many reasons is deserving of a better fate. Here we amuse ourselves, nevertheless, with wild alarms, since, according to the Spanish journals, the seas will swarm with privateers. Meanwhile there are positively none except those of which I tell you. It may be that there are others of which I am ignorant, for it would not be strange, since previous to my departure from Chili one hundred and twenty letters of marque were issued, and nobody knows how many more have been issued. I know that the Chilians in California are hastening to send privateers to Manilla from Honolulu, and that for this purpose Captain Finch, who came from Chili with Santa Maria in the month of October, went to San Francisco from Lima in December. Poor Spain! How dearly she is about to pay for her rashness.

The affairs of the country are progressing happily, as you will learn. The government writes us that it will not make peace except with honor to itself. There is a great deal of enthusiam in Peru. M. writes me from Caraccas that an alliance will be formed with Chili, and that New Granada, when Freiro, the Peruvian minister, has arrived, will follow. So O'Donnell must take care now of his "ever faithful island," when we are assured by the Cubans resident here there is a profound dissatisfaction which will break out ere long. R. also writes us from Paris that he keeps up an excellent espionage in Madrid; that O'Donnell despairs of the war, and is anxious to make peace; so I have written to the Chilian government by the steamer which went out to-day.

God grant, then, my friend, that this war, so unfortunate for all of us, may be concluded. The suicide of Pareja must have opened their eyes to their folly. The wrongs which they have done us up to the present time are, nevertheless, infinite. In return, the Spanish name will not be heard in South America for a century.

I send you No. 7 of La Vox d'América. In the next we shall discuss the Uruguay question.

A thousand remembrances to Grillermo, Blest, and Demetrio, and dispose always of your affectionate friend and disciple,

B. VICUÑA MACKENNA.
(Signature imitated.)

Señor Don JOSÉ VICTINO LASTARRIA,
Minister of Chili in the Argentine Republic.

THE SPANISH SPIES SNAP AT THE BAIT.

The above was enclosed in an official envelope, printed similar to the heading of the letter, and intrusted to a person familiar with the haunts and habits of the agents of the Spanish officials. Watching his opportunity, this actor in the farce contrived to drop the important and compromising letter, as if by accident, in a street near the post office, at a moment when he was but a few feet in advance of two members of the Spanish secret service corps, and no other persons passing close by. The bait took splendidly, as the Chilian messenger saw from a building on the opposite side of the street, which he entered immediately after coming his little "drop game."

Off they started to the Spanish consulate as swiftly as their legs could carry them, with the extra weight added by the conviction of having discovered a Chilian document of importance, may-be even a sketch of the enemy's plan of campaign; for the Chilian official heading and the name of the addressee suggested the confidential nature, at least, of the contents. From the Spanish consulate the "highly important discovery" was, of course, communicated to the United States marshal and to the Spanish officials in Washington. *Hinc illæ lacrymæ.* Hence the departure of the Carmen and Isabel.

THE CUP AND THE LIP.

The letter, we believe, is now in possession of the United States district attorney, to whom it is said to have been handed as evidence to corroborate the charges brought against the Chilian envoy in the Meteor case. It is estimated that the cost to the Spanish government of the voyage of the two war vessels, and their ridiculous return to Cuba, will not fall far short of thirty thousand dollars. The above are the leading points of this successful farce of "the biter bit."

While the Spanish agents are rejoicing at their good fortune, and exulting over the coming doom of the irrepressible McKenna, that astute son of Chili is in all probability chuckling quietly to himself at the easy manner in which he managed to outwit the officials of her most Catholic Majesty, and allowing them to have the first laugh, for the reason that *rira bien qui rira le dernier!*

Mr. Tassara to Mr. Seward.

[Translation.]

WASHINGTON, *April* 7, 1866.

The undersigned, her Catholic Majesty's minister plenipotentiary, begs to inform the honorable Secretary of State, that on the 27th March a vessel called the Varuna left the port of New York under strong suspicion of going to be fitted out as a privateer against Spain by Chili. As is well known, the Varuna was built by the Messrs. Forbes, of Boston, to be used as a war vessel for the government of the United States, and although rejected by the Navy Department because it did not fulfil the conditions of the contract, it was in the service of said government for two years during the late war, remaining finally the property of its builders. The Varuna was advertised some time ago for New Orleans, but it gave up the trips, and having been newly coppered in great haste, was again announced for Hong Kong, (China.)

The Varuna being a war vessel, and its owners being the same as those of the Meteor, at present under process for violation of the neutrality laws, elicited, for these and other reasons, suspicions sufficiently great to induce the district attorney and the marshal of New York to give notice to the custom-house not to clear the vessel, and, whilst proof was being gathered, the undersigned had reason to hope that the vessel would not leave until he had at least been informed that she was about to do so. It was with surprise, therefore, that he recently learned that the Varuna had sailed on the said 27th day of March for Hong Kong, the clearance having been taken by the same agent, Mr. Carey, who was employed for the Meteor, with no other cargo than coal and a few muskets, and with the very suspicious circumstance of virtually refusing to take passengers, by fixing an unusual rate of passage, which, from two hundred and fifty dollars, had been put up to six hundred and fifty, gold. It even appears that the voyage was announced as an expedition gotten up by a few friends, without any present intention of returning to this country. The above facts have, within the last few days, acquired greater weight from the discoveries elicited by the trial of the Meteor. In that trial, besides the evidence which appears against Mr. Forbes, there is a declaration of Mr. Ronald MacNichols, showing that the Varuna was on the list of vessels furnished to the Chilian agents as suitable for their purposes.

The character of the vessel, the name of its owner, the change in its destination, the hurried repairs, the absence of cargo, the indirect manner in which passengers were refused, its being on the above-mentioned list, the trial of the Meteor—everything conspires to increase the suspicions which existed from the beginning that the Varuna is going to be armed as a privateer. If, as it had been hoped, this vessel had been detained, there would probably have been occasion to furnish proof in reference to the suspicions.

The undersigned did not at once make application to the State Department, because he did not know in time some of the circumstances that have been related; but he deems it his duty to now call attention to this subject, hoping the government of the United States may think proper to take such measures as will insure the observance of neutrality.

The undersigned improves this occasion to reiterate to the honorable Secretary of State of the United States the assurance of his very high consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, April 10, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, thinks he should bring to the knowledge of the honorable Secretary of State of the United States that at pier 33, North river, New York, there lies a craft called La Oriental, which is advertised for Montevideo, and which, according to all suspicions, is intended to enter the Chilian service. La Oriental is to sail to-morrow (11th) or day after, (12th.) Among the circumstances which render this vessel suspicious is that, besides two cannon which she has on board, there lie on the dock near by, and half hidden, two other new rifled cannon, which it is thought are intended to be shipped at the last moment. The vessel has been much frequented now by persons who seem to be from South America, and, notwithstanding the close approach of the day of sailing, she has yet on board no cargo but some charcoal. To this may be added the not insignificant circumstance that two months' pay is advanced to the men of her crew.

The undersigned requests of the honorable Secretary of State that orders be issued to the custom-house that the Oriental be detained until it be possible to produce better evidence or make her real destination clear.

The undersigned avails of the occasion to reiterate to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, April 12, 1866.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note of the 6th instant, and to inform him, in reply, that inquiries have already been addressed to the Secretary of the Treasury with a view to ascertain the character and destination of the Varuna, a vessel which left the port of New York on the 27th ultimo, under strong suspicion, as Mr. Tassara states, of having gone to be fitted out as a privateer against Spain by Chili.

The undersigned offers to Mr. Tassara on this occasion renewed assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c., &c., &c.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, April 21, 1866.

The undersigned, Secretary of State of the United States, has the honor to inform Mr. Tassara, in further answer to his note of the 10th instant, that the vessel La Oriental cleared from the port of New York, on the 6th instant, for Buenos Ayres. Her manifest contained eleven cases of merchandise, described as "sewing machines."

The undersigned, in acquainting Mr. Tassara with the facts above stated, which have been communicated to him by the assistant United States district attorney at New York, avails himself of the occasion to offer assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, May 3, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has received from his government instructions to make known to the honorable Secretary of State of the United States that fossil coal, the produce of the mines of Chili, declared to be contraband of war by the commander of the Spanish squadron in the Pacific, it is understood will be such contraband of war only in case it is despatched destined for enemies' ships. As the agent of the government of the United States at Valparaiso had protested against the declaration of Brigadier Mendez Nunez, the undersigned hastens to make known to the honorable Secretary of State this resolution of her Majesty's government, whose object it is to avoid the damages which might be occasioned to neutral commerce.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, May 7, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has read in the papers of this country a despatch from Commodore Rodgers, commanding the United States squadron in the Pacific, on the late events in Chili. If this document had another character, the undersigned would not have fixed his attention upon it; but from the moment when an official document has been published as such, he considers it his duty to address himself to the Secretary of State to make some remarks upon it.

This he would have done at the first instant if he had not thought it proper to await communications he might receive from the Pacific. Those communications, far from causing him to desist from his purpose, have confirmed him in it. Annexed in effect, the honorable Secretary of State will find another despatch, from Brigadier Nunez, commander general of her Majesty's squadrons in the Pacific, which, although not in contradiction of that from Commodore Rodgers, may be considered as its necessary complement.

It is now beyond all doubt that both Commodore Rodgers and the admiral of the English squadron in those seas, not content with exceeding, perhaps, in their negotiations, the limits of all neutrality, used acts of intimidation, which, if they had been carried further, would have produced a conflict having the

most serious consequences, because whatever might have been the forces they could have opposed to him, Brigadier Nunez would not have fallen back from the fulfilment of his duty. Another fact no less important follows, notwithstanding also, and this fact is, that Brigadier Nunez did all that was possible for him to come to an understanding, and that the said Commodore Rodgers and the said English admiral finished by acknowledging that not only right, about which there never could have been any doubt, but also moderation, were on the side of Spain in the negotiations which preceded the deplorable event of which Valparaiso ended in being the theatre. This is a point which it imports much to Spain to place conspicuously before America and before the world, and Commodore Rodgers, in place of showing his wonder at *the terrible mode in which Spain proposes to make war in the other America*, thus forgetting the examples which his own country has set in the recent war of four years, might very well have given a testimony of impartiality by confessing that Spain had used equal moderation after, as during, the negotiations. To blot out the impression that his despatch may have produced on the mind of the government at Washington this note is addressed to it, the undersigned, for the rest, contenting himself by responding to the historico-critical remarks of Commodore Rodgers on Spain, and chiefly on the tone in which they are made, that the very decadence of a nation which was more powerful than any other nation has yet been since then is a lesson to the most powerful, and that, without calling to mind her past predominance, Spain is assured of her future.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

THE SPANISH-CHILIAN WAR.

We are indebted to the editors of La Cronica, the Spanish paper published in this city, for the following important official despatch from the commander of the Spanish squadron off Valparaiso, giving his version of the events attendant upon the recent bombardment of that city:

HEADQUARTERS OF HER CATHOLIC MAJESTY'S SQUADRON IN THE PACIFIC,
On board the Numancia, in the bay of Valparaiso, the 2d day of April, 1866.

EXCELLENCY: In order that your excellency may form an exact idea of the occurrences of last fortnight, I have the honor of placing before you a summary of the most recent events, regretting that want of time should prevent my sending copies of the despatches I have addressed to her Majesty's government. On the 17th of last month I was invited to dine by the American Commodore Rodgers on board of his flag-ship. During dinner the commodore expressed ardent wishes for the termination of our difficulty with Chili, and suggested that, were I clothed with full powers, the attainment of such an object might, in his opinion, be accomplished. Upon being informed that I had the necessary powers, he said that he would immediately communicate with his minister, and see if their united efforts could not secure peace. A few days after, I received the visit of the commodore and General Kilpatrick. Both seemed animated by the best wishes, and invited me to join them in a conference, which, though of a private and confidential character, might, perhaps, result in the termination of the war. Upon my acceptance of the proposal the American minister said to me, that, although the conference was strictly confidential, the minister of foreign affairs of the republic had notice of the step that was now being taken, and that he, (the American minister,) as well as the commodore, who had taken the initiative in the matter, were very much interested in arriving at the object they had in view. The commodore made some remarks to show the inconveniences which he thought existed for Spain in the prolongation of this war, and giving me to understand that *an unforeseen obstacle would be met with* if the bombardment of Valparaiso were attempted. He proposed a plan for an arrangement which he considered equally honorable for both belligerents. In accordance with this plan there should be a cessation of hostilities, my credentials presented, and a new investigation made of the different grievances against Chili. As an earnest of peace there should first be a reciprocal salute of one and twenty guns in the following manner: The flags of Spain and Chili, hoisted at the mast-heads of the English and American flag-ships, should be saluted

by the guns of the two squadrons, and in this salute a Chilian fort and the Spanish squadron should join in such manner, that, with the noise and smoke, it should never be known by whom the first gun had been fired. As your excellency may readily suppose, I rejected this arrangement, acknowledging, however, the good intention that had suggested it, and stating that the instructions of my government were so positive, that notwithstanding any difficulties I might have to overcome, and should I go to the bottom of the Pacific in the attempt, I must have from Chili the satisfaction which was due to us. Moved, nevertheless, by a sincere desire for reconciliation, I would take upon myself the immense responsibility of not requiring any other satisfaction than that contained in the arrangement proposed by England and France, and accepted by Spain, to which I would only add, the restitution of the Covadonga, with its flags, arms, and crew, in return for the prizes and prisoners I had in my power. I, at the same time, gave notice that if, by 8 o'clock on the 27th, I should not have received an answer, accepting the terms of this arrangement, I would address a communication to the diplomatic corps fixing a delay, at the expiration of which I would open fire on Valparaiso. Both the minister and the commodore found the terms honorable. General Kilpatrick said he would exert himself to his utmost to have them accepted by Chili, adding, that however strange it might appear, it was his predecessor, Mr. Nelson, who had most strenuously opposed any concession to Spain; so much so, that unpleasant words had already passed between them. On the following day General Kilpatrick left for Santiago, not without hope, and the promise, given of his own accord, that he would let me know the result of his negotiation. On the 27th, before 8 o'clock in the morning, General Kilpatrick again came on board of my ship with Commodore Rodgers. His efforts had been in vain. The reply of the Chilian government was, that in so short a time it was not possible to assemble and consult the accredited representatives of the allied republics. In consequence of this reply, I stated to the United States, that, as I had previously informed him, I would within an hour send him the promised communication. The commodore then told me more clearly what the unforeseen obstacle would be to which he had alluded in our former interview. He said that, probably, he would not be able to remain a passive spectator of the destruction of a defenceless city; that perhaps he might be compelled to oppose it by force; and he thought the commander of the naval forces of Great Britain would join him for the same purpose. I replied that I should be extremely sorry to collide with him after the warm interest he had shown for Spain and her agents, but that such considerations would not be sufficient to prevent my executing the orders of my government. The commodore approved my resolution, and said to me, on taking leave, that whatever might be the consequences of the conflict, I must ever be assured of his friendship and esteem; the same words were repeated by General Kilpatrick. One hour after this interview I sent my communication to the American minister, in order that through him it might reach the other members of the diplomatic corps at Santiago. On the 29th of March I received the visit of Admiral Denman, who told me that he had been informed by the American commodore of my interviews with the United States minister; that the laws of war did not authorize the destruction of defenceless cities, inhabited almost exclusively by foreigners; that it would be impossible for him to be a passive spectator of such a deed; that he would have to adopt measures, the extent of which he could not then define; and that he begged me not to commence operations until the arrival of the mails from Europe. My answer was, that, as to the question of right, the decision belonged to my government; but that, as an officer, I should obey my orders; and that whatever might be the attitude assumed by the naval forces then in the bay; however reluctant I might be to come to such an extremity; however formidable those forces might be, no earthly consideration should detain me from the discharge of my duty. The admiral grasped my hand, and left me with the same assurances of friendship and esteem as in the case of the American commodore. On the same day, the 29th, I was once more visited by the American commodore, accompanied by the secretary of legation, with the apparent purpose of handing the reply to my communication. On doing so, he said that he had intended to oppose the bombardment of Valparaiso by force, because he was at the time convinced that Spain could not lawfully do so, and that Chili was in the right, but that subsequently he had arrived at the conclusion that right, moderation, and dignity were on the side of Spain; wherefore, he not only should not oppose anything, but that his ships would move out of the way at 8 o'clock on the morning of the 31st.

He insisted, nevertheless, in proposing another plan, which was that I should write a manifest, stating that since nothing could prevent the bombardment, I would desist and spare Valparaiso. The commodore thought that such an act of generosity would be appreciated by the government of Chili, which would then declare its readiness to accede to my demands. My reply was, that although by so doing I would incur the heaviest responsibility, still, for the sake of peace, I would accept the proposition, provided a member of the Chilian government would guarantee to me personally, in the presence of the American minister, that my proceeding would be appreciated and reciprocated. The proposal of the commodore was, nevertheless, rudely rejected by Chili, and another one advanced in its stead so ridiculous that it has only served as a laughing stock to the English and American commanders. The idea was, that a sort of international duel should be enacted; and this in terms indecorous and even insulting. It being assumed that I dared not seek them at Chili, they proposed that we should meet with equal forces, the determination and

equalization of which should be left to Commodore Rodgers. The result of the duel was to be the termination of the war; and to this no other declaration whatsoever was added. The proposal, I again say it, was simply ridiculous, and in this light it has been viewed by every one, without, perhaps, excepting the very persons who originated it. I consequently authorized the American commodore who bore the despatch to say, in my behalf, that such proposals deserved no answer. It is gratifying to me to be able to state that both the commodore and English admiral approved my answer; the latter was so disgusted that, losing his habitual reserve, he said to me, "The letter you have just received is in itself a sufficient justification for the act you are about to accomplish. Your conduct has been most dignified and proper; and your generosity has met no response from the government of this country." Previously to these incidents, on the 27th, I had in like manner been called upon by the representatives of England and France. Instead of presenting themselves in the guise of friendly negotiators, and strictly neutral, these gentlemen showed themselves, on the contrary, altogether partial to Chili. They contended that the brief delay granted to the government for the acceptance of terms would make any resolution appear as dictated under the pressure of force; that sufficient time had not been allowed for consultation with the allies; that, in fine, a long delay should be conceded. They concluded by observing that they had strong reasons to fear for the lives of the Spaniards at present in Santiago, should the bombardment take place. To all these remarks I answered: That it was six months since the war had commenced, and that the government of Chili, who now complained of the short space allowed, had never, up to the present moment, made any proposal for an arrangement; that the terms offered by me were precisely those of their own governments of England and France; and that in the event of so savage a butchery taking place, it should be visited with new and terrible rigor. The interview terminated with marks of mutual coldness. On the 30th I received from the same gentlemen a plan for an arrangement, in which they proposed the cessation of hostilities, the withdrawal of my vessels, and the presentation of my credentials, all of which were, as your excellency perceives, totally inadmissible.

At 8 o'clock on the morning of the 31st the foreign vessels of war had withdrawn from my front. At the said hour of eight the two guns were fired that were to serve as an announcement that one hour later I would open on the city. At a quarter past 9 the frigate Blanca commenced firing at the government warehouses and a small fort, and was immediately followed by the frigate Villa de Madrid. Meanwhile the schooner Vencedora directed her guns against the intendencia, and the frigate Resolucion against the railroad terminus; all of which buildings were government property. At the end of two hours the warehouses were reduced to ashes; the fort was considerably damaged, as were also the intendencia and railroad terminus; and a portion of the city was set on fire by a grenade ricocheting the intendencia and exploding in a chemical laboratory. The firing was suspended at half past eleven. It is as yet impossible to estimate the damages.

The Chilian government had decided on making no resistance, and consequently ordered that not a gun should be fired.

It was confidently expected that the forces of England and the United States would oppose the bombardment.

The property stored in the government warehouses, and entirely consumed by the firing, belonged to Frenchmen and Germans.

The government had opposed the removal of goods by the foreign merchants.

I remain, &c.,

"CASTO MENDEZ NUNEZ.

"Her Majesty's ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY,
at Washington."

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, May 8, 1866.

SIR: Official information has just been received at this department that a steamer is now fitting out at New Orleans for the purpose of taking a cargo of negroes from some point near Pensacola, Florida, to Cuba. The name of the vessel, formerly a blockade-runner and reported to be a fleet sailer, is said to be the Virgin, and Friday next is given as the day of her departure. It is also reported that another vessel, bound on the same errand, will follow in a day or two, should the sailing of the first one not be intercepted.

I will thank you to communicate the above facts to his excellency the

Captain General of Cuba, with a view to thwart the proposed design of landing negroes from the United States on the coast of Cuba.

I avail myself of this occasion to offer to you, sir, renewed assurances of my highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, May 9, 1866.

At an hour when it was no longer possible to write to Cuba by the steamer which leaves New York to-day, the undersigned yesterday received the note which the honorable Secretary of State was pleased to address to him, informing him that at New Orleans two vessels are getting ready to land negroes from the United States on the shores of that island, and by the steamer which leaves to-morrow he will communicate the news to the captain general, writing at the same time to the consuls of Spain at the south, that on their part they may ascertain what there is in this or any other affair of the like nature. In every way, and chiefly on the supposition that one of the two vessels may sail the day after to-morrow, the 11th, and that the other may follow a few days later, the undersigned invites the attention of the honorable Secretary of State to the expediency of taking measures through the authorities of the United States for the detention of these as of any others which may inspire suspicion of their being employed in that traffic. With this motive the undersigned will remark that the Virgin is, without doubt, the same vessel which, under date of April 25, was denounced to the department as suspected of intending to violate neutrality in the war of Spain with some republics on the Pacific. In any event the government of the United States may rest assured that on this as on every other occasion the authorities of Cuba, in fulfilment of orders, decisive, severe, and repeated, from the government of her Majesty, will not omit any measure for the repression of the traffic referred to.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

No. 36.] LEGATION OF SPAIN AT WASHINGTON,
Washington, May 9, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor this moment to receive the answer of the honorable Secretary of State to his note of this date about the ship Pancas or Poncas, which is to sail from New London, and cannot but think it strange that the affair had not been at once taken under consideration.

* If, as is said, the vessel is to sail to-night or to-morrow, all because the necessary orders may not have been issued, it may be too late.

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* NOTE BY THE TRANSLATOR.—This paragraph in the original is obscure, and seemingly incomplete.

It would have been desirable to have been able earlier to have recourse to the Department of State, but it has been done still in season to prevent the departure of the vessel, and it is to be hoped that the government of the United States will comply with the laws of neutrality.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c.*, *&c*, *&c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, May 26, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, had the honor to make known to the honorable Secretary of State of the United States, under date of 9th instant, that he had sent advices to the captain general of Cuba of the note which the day before had been addressed to him by the Department of State advising him that, according to reports he had received, the steamer Virgin was being got ready, along with another vessel, at New Orleans, for the purpose of taking from a point near Apalachicola, Florida, a cargo of negroes, who were to be landed on the island of Cuba.

The captain general of Cuba, on acknowledging receipt of said communication, makes known that he has taken the necessary precautions, so that if such vessel and the other that was to follow should really reach those shores with the purpose attributed to them they would be captured. The captain general, however, did not think said vessels would present themselves on the coasts of the island of Cuba.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c.*, *&c*;, *&c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, June 20, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor to bring to the knowledge of the honorable Secretary of State, that, as appears at the department, on the 15th instant, there left the port of Boston a vessel, the Cherokee, Captain Kennedy, under grave suspicion of being destined for the service of Chili or Peru.

The facts, according to the report of the consul of Spain at that port, are as follows: The consul having noticed that morning that the Cherokee, moored at the ship-yard of Mr. Harrison Loring, South Boston, had been armed and ammunitioned secretly for such purpose, and was to sail in a short time, sought assistance from the district attorney of the United States, who thought he ought not to act immediately of his own motion, but authorized said consul to address a telegram to the Secretary of State, respectfully requesting the detention of the vessel. Informed, however, by the consul that the Cherokee,

perhaps aware of the steps that were being taken, took measures to hasten her departure, the district attorney gave due notice to the collector of the customs, and it was thought that the vessel would not be cleared, without at least waiting for the answer from the department; but that answer did not arrive until the morning of the 16th, and meantime the vessel had sailed, the very day, the 15th, at six o'clock in the evening, from the bay. So things are; and in virtue of fresh reports he had received, the consul addressed himself to the collector on the 16th, requesting him to take the steps necessary to bring back the Cherokee to the port of Boston to respond to the charges of violation of the laws of neutrality. The reply of the collector was that he had requested instructions from the Department of State. In such condition, and, as it seems, evidence existing that the Cherokee has in fact sailed under the conditions and with the purpose attributed to her, the undersigned finds himself called upon to draw the attention of the honorable Secretary of State to the necessity of making the laws of neutrality effective.

It is understood how direct are the charges, and how difficult the proofs in this class of cases; but for the detention of a vessel, reasonable cause ought to be sufficient, and in the present case everything induces the belief that the vessel ought, by way of precaution, to be detained.

The undersigned is far from complaining of the Department of State, whose order, beyond question, could not earlier be received, but insists that the vessel ought not to have been allowed to sail so unconditionally. The circumstances of the case, moreover, authorize him to believe that the authorities of the United States will institute proceedings against the fitters out of the vessel for violation of the laws of neutrality, and even for the detention of said vessel wherever she may happen to be within reach of the authority of the United States.

The undersigned avails of the occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, June 22, 1866.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note of the 20th instant, respecting the steamer Cherokee which left Boston on the 15th instant, and, in reply, to transmit to him a copy of a letter of the 19th instant, addressed to the undersigned by the attorney of the United States for the district of Massachusetts, from which it appears conclusively that no laxity of the neutrality law of the United States has been practiced or permitted in the case of the departure of the Cherokee.

The undersigned offers to Mr. Tassara renewed assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Dana to Mr. Seward.

OFFICE OF UNITED STATES ATTORNEY,
District of Massachusetts, Boston, June 19, 1866.

SIR: I have the honor to submit to you the following report in the case of the Cherokee:

On Friday, June 15, between 1.30 and 2 p. m., a clerk of the Spanish consul called at my office with a statement respecting the steamer Cherokee.

That steamer had been cleared in the morning for San Francisco and intermediate Pacific ports, and was lying in the stream, on the point of sailing, waiting only for a fireman, as it was understood. This was the first intimation that had been made against the vessel. The clerk who called had no personal knowledge on the subject, and brought nothing in writing, and had only a statement, at second hand, from a fireman whose name he did not give, to the effect that the Cherokee had cannon and ammunition in her hold, and was intended to enter the service of Peru or Chili as a privateer, to cruise against Spanish commerce. He was told that nothing could be done without some evidence being submitted to me or to the collector, upon which a judgment could be based.

The collector was out of town, but sending to the custom-house I learned that no suspicions had been there entertained of the vessel, and that she had been cleared by Messrs. Harrison, Lovering & Co., a highly respectable firm largely concerned in steamers.

I then sent a telegram to yourself, requesting instructions.

At about 4 p. m. the Spanish consul called at my office with two gentlemen, but neither of the three had any personal knowledge on the subject, and the charge against the Cherokee I found was not even at the first stage of hearsay—a person having reported to the consul what another person had told him respecting her outfit and destination. Indeed, these gentlemen did not seem to appreciate—what we think so much of under our system—the difference between direct and hearsay testimony. Still, as the vessel would sail at once, (if she had not already sailed,) leaving no time for the collection of proofs, and the consul had evidently an honest and earnest suspicion, and the consequences of letting loose such a vessel upon friendly commerce would be so grievous, I took the responsibility, having received no reply to my telegram to yourself, of instituting a proceeding against the vessel without anything that could strictly be called proof.

I explained this to the Spanish consul, and told him that I rested entirely upon the faith of his having formed a sound judgment on reasonable grounds, and that if sufficient proofs were not produced the next day to satisfy me that there was reasonable ground for continuing the proceeding, the vessel must be released, and we should expect him to be responsible for damages. To this the consul assented, and expressed himself as greatly obliged to me for my course. At my request he made affidavit that he had been informed, on trustworthy evidence, and believed that the Cherokee would, if she went to sea, engage as a cruiser against the commerce of Spain, in the service of Peru or Chili, and that she was equipped and fitted out with that intent.

It was already after office hours, but I had requested the clerk and marshal to remain at their posts. On this affidavit I filed in the district court a libel of information against the Cherokee as forfeited to the United States for breach of the act of 1818, for the preservation of neutrality, obtained a warrant for her arrest and that of all materials or equipments unlawfully prepared. The warrant was placed in the marshal's hands at 5 p. m., and by 5.30 p. m. the deputy marshal was on board the revenue cutter. There he learned that the Cherokee had been gone to sea nearly two hours, having left the roads, under steam, as early as 4 o'clock, or between 3.30 and 4 p. m. As she had so long a start and was a fast vessel, and the cutter would be obliged to wait to get up steam, it was thought useless to attempt pursuit.

At 6 p. m. I received a despatch from yourself directing me to have the Cherokee detained if probable cause appeared.

On Monday, the 18th, the Spanish consul called with the same gentlemen, but still without anything in the nature of proofs. He has, however, sent to me one man, an American, who has some indirect testimony, and promises to bring me other witnesses.

If this evidence furnishes probable cause, I shall institute personal proceedings against any parties implicated.

I have the honor to be, very respectfully, your obedient servant,

RICHARD H. DANA, JR.,
United States Attorney.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION IN WASHINGTON,
Washington, July 4, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor to call the attention of the honorable Secretary of State to the case of the Chilian corsair Meteor, now pending in the district court of New York. It is reported from an authentic source, though not official, that judgment will soon

be given condemning the vessel for violation of the neutrality laws. At the same time, it seems that the vessel is to be restored to the owners under bond, at their petition, and that experts have already been appointed to appraise it. It is hard to conceive how the court can grant this relief now, when it was refused before the vessel was condemned. The fact is the more strange as the owners have the right of appeal, even after the vessel is condemned. But, aside from this consideration, the anomaly and contradiction of the two parts of the sentence are so glaring that they seem in reality to be two distinct decisions. The condemnation of the vessel naturally infers a confiscation according to law, and that should prevent any kind of release, whether under surety or not. Any other act would annul the judgment, allowing a rupture of neutrality, and would be permitting the acquisition of the thing the law was intended to prevent, as would be the case if the Meteor were permitted to quit this port, with full liberty to arm against a belligerent. Fortunately, if the court has granted the release on bond, the neutrality act empowers the President to act according to the facts and circumstances of the case, as in his good judgment may seem best. It is to be hoped then that, whatever may be the decision of the court, and in spite of efforts to get hold of the Meteor, it will not be given up, or that if it is, it will be under especial bond, with security, that it will not be armed against Spain. This case is so plain, and the conduct of the government of the United States has been so just in the pacific question, that the undersigned does not deem it necessary to make any other protest, but refers to what he has already said on the subject, particularly in his note of the 25th of January of this year.

The undersigned accepts the occasion to renew to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, July 21, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has just learned that the court of New York has approved the valuation made of the Meteor and accepted the security for the value of one hundred thousand dollars, issuing at the same time the order to the marshal to set the vessel free. At first view it is deducible that the valuation of the Meteor at the sum of one hundred thousand dollars is extremely below the true value of the vessel, and that in these proceedings action has been most irregular. The proprietor himself, Mr. Forbes, has shown in court, as also appears at the Department of State, that the Meteor cost from three hundred and fifty to four hundred thousand dollars. There is, besides, the cargo on board the vessel, which ought to be comprehended in the valuation. It appears that the experts proceeded with very little attention in the examination of the vessel, and did not take the cargo into account, having remained on board the vessel only a quarter of an hour. Proper affidavits were presented to the court against this valuation. The undersigned asks, meantime, that an order may be issued from the Department of State that the Meteor continue as to this time under the custody of the marshal, and that to hinder the departure of the vessel from the port of New York suitable orders be issued to the collector of the customs, so that he shall not clear the Meteor, unless, in conformity with the provisions of sections ninth, tenth, and eleventh of the neutrality act of 1818, sufficient security be given, making

sure that the Meteor shall not be employed in any act of hostility against Spain, in violation of the laws of neutrality.

The undersigned had the honor to make known to the honorable Secretary of State, by note of the 4th instant, what was supposed to be the security which it was said the court would settle upon in order to leave the vessel at liberty, and which it has now settled upon. The undersigned believed that in such case the President of the United States, in virtue of the powers given to him by the act of neutrality, would provide for indefinite detention of the Meteor.

The government of the United States cannot permit that a vessel under sentence of a court shall be left at liberty to violate the law, when only the intent to do so has been punished with confiscation. Moreover, the government of the United States cannot permit that—although the security be accepted that may be an illusion, from the insufficiency of the valuation, and that the collector can grant a clearance for the sailing of the vessel—without requiring the exact fulfilment of the provisions of the act of neutrality. The undersigned hopes these points will be taken into consideration, and that orders will be given, as well to the court as to the collector of the customs, this very day, if possible, by telegraph.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, July 24, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has learned that the custom-house at New York has seen itself under the necessity of detaining in that port the Meteor, upon a charge of false register. This circumstance proves the bad faith and the intentions of the owners of the Meteor. It is regrettable that the court, which has given such proofs of impartiality in the course of this affair, should not have comprehended the management of the owners of the Meteor, and that, departing from the antecedents established in the proceedings, at the very moment when it recognized the culpability of the vessel and condemned her, should accept the security offered by such owners. Although this security was so insignificant and so inferior to the value of the vessel that it was necessary to protest against it, and experts (among them one of the most reputed constructors in this country) estimated the value of the vessel at three hundred and twenty-five thousand dollars, without reckoning the cargo, which could not be examined, the security accepted by the court for vessel and cargo is only one hundred thousand dollars. The undersigned knows that the judicial power is independent in its acts, but, in an international question such as relates to that of the Meteor, the government of the United States can and should interfere to obviate the inconveniences of the procedure of the court. Everything causes the suspicion that when the sentence of the judge condemning the vessel became known the question was discussed of taking the vessel out of the port of New York, even by proceeding in a manner contrary to the purposes of the act of neutrality. The owners offer the security when the condemnation of the vessel is made known to them, and when there were good reasons to suppose that it was agreed upon with the agents, enemies of Spain, to employ the vessel in open hostilities, even to calculating the prizes the Meteor ought to make to cover the amount of the security and other outlay. In view of these circumstances

the undersigned repeats what he said in his note of the 4th instant, and requests the honorable Secretary of State to give orders to annul the action of the judge in accepting the security, or that the President of the United States, exercising the powers which the act of neutrality grants him, may decree the detention of the vessel until the state of war between Spain and the republics of Chili and Peru be ended.

The undersigned avails of this occasion to repeat to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, July 28, 1866.

Adhering to his notes of the 21st and 24th instant on the affair of the Meteor, the undersigned must bring to the knowledge of the honorable Secretary of State that this morning he has received from New York the following telegram: "The collector has received from the Treasury Department the order to release the Meteor. The district attorney has not received any instructions, and consequently the vessel will go to sea." The undersigned must expect that the Department of State will give the orders necessary to prevent so grave a violation of the laws of neutrality of the United States.

The undersigned avails of this fresh occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, August 2, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, received the note of the 30th June from the Department of State, replying to his of the 28th on the affair of the Meteor, that the affair had passed to the cognizance of the Attorney General.

It having afterwards come to his knowledge that the Meteor had been given up to her owners and sailed from the port of New York for Boston, the undersigned would request the honorable Secretary of State to tell him if the delivering up is definitive, and if a vessel solemnly condemned by a court of the United States for flagrant violation of the laws of neutrality is left at liberty to enter the service of any of the belligerents against Spain.

The undersigned avails of this occasion to repeat to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, August 2, 1866.

SIR: I have the honor now to recur to the note with which you favored me on the 28th of July last, concerning the case of the Meteor. The opinion of the Attorney General has been taken upon the question which was submitted in that note. That opinion is that neither the Attorney General, nor any other executive department, has any control over the proceeding in the United States district court by which the Meteor was released from official custody.

The undersigned offers to Mr. Tassara on this occasion renewed assurance of his very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, August 4, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, in which you inquire, first, whether the delivery of the Meteor, by order of the United States court of New York, is definitive; and, secondly, whether a vessel solemnly condemned by a court of the United States for flagrant violation of the laws of neutrality is left at liberty to enter the service of any of the belligerents against Spain.

An answer, by way of anticipation, to the first of these two questions will be found in the note which I had the honor to address to you on the 2d instant, in which I communicated the result of the examination of the case which had been made by the Attorney General. According to that opinion the delivery of the Meteor is definitive.

With regard to the second question, viz., whether a vessel solemnly condemned by a court of the United States for flagrant violation of neutrality is left at liberty to enter the service of the belligerents against Spain, I have to say, with great respect, that in the absence of any facts touching the present character, condition and destination of the vessel, or the present purposes of her owners, the question can only be regarded by this department as an abstraction. It is undoubtedly the province of the judicial and revenue agents of the United States at Boston or elsewhere to receive and act upon any information which may be laid before them tending to show a present design or purpose on the part of any one to infringe or violate the neutrality laws of the United States by the owners of the Meteor.

The undersigned offers to Mr. Tassara on this occasion renewed assurance of his very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, August 7, 1866.

Recurring to the subject of the Meteor, the undersigned, Secretary of State of the United States, has the honor to enclose herewith, for the information of

Mr. Tassara, a copy of a letter of the 4th instant from the Attorney General of the United States.

The undersigned offers to Mr. Tassara renewed assurances of his high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c. &c., &c.*

Mr. Stanbery to Mr. Seward.

ATTORNEY GENERAL'S OFFICE,
August 4, 1866.

SIR: I received, yesterday, your letter of the 1st instant, enclosing a copy of a note of the 21st ultimo, addressed to you by the minister of Spain, relative to the proceedings of the district court at New York in the case of the Meteor.

The question you ask is, whether it is expedient or necessary to interfere with those proceedings? I reply that the constitution and laws have committed to the tribunals of the district court exclusive original jurisdiction of the case, and do expressly prohibit the executive department of the government interfering with that tribunal in the exercise of such jurisdiction. The government, through its counsel, had the right to oppose before the court the granting of the claimant's application to bond the vessel after condemnation. This right was duly exercised. The district attorney was instructed by this office not to give consent thereto, and the instructions were, I am advised, obeyed. But when the court, in the exercise of the discretion vested in it by the law, decided in favor of the application, and ordered the release of the vessel on stipulation filed, all opportunity, as well as all right, on the part of the government to object or resist terminated.

In respect to the value of the vessel, and the amount of the bond to be accepted as a substitute for her, that was a matter also within the jurisdiction of the court, to be decided according to the evidence submitted. It appears, by the note of Mr. Tassara, that the valuation and report of the appraisers were contested in court, and counter-affidavits submitted.

It is to be presumed that the court considered the question in the light of all the evidence adduced on the part of the libellant and of the claimants, and that its decision was correct.

But whether its decision was right or wrong, no executive officer has power to review or resist it.

I have the honor to remain yours, with great respect,

HENRY STANBERY, *Attorney General.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION IN WASHINGTON,
Washington, October 29, 1866.

The minister of Spain has had the honor to receive yesterday's communication from the honorable Secretary of State, enclosing one from Mr. Savage, acting consul general of the United States in Havana, dated the 20th instant, informing him of the landing of negroes near Cardenas, and stating that the superior court had appointed a commission, consisting of one of the justices of said court and the notary, José N. de Ortega, to proceed immediately to the spot and institute the requisite proceedings. The undersigned understands this communication is meant to show the strict enforcement the Cuban authorities intend to give to the orders of the Spanish government for the suppression of the slave trade.

The undersigned herewith returns the said communication of Mr. Savage, according to request, and accepts the opportunity to renew to the honorable Secretary of State the assurances of his great consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, November 17, 1866.

undersigned, minister plenipotentiary of her Catholic Majesty, has the to address himself to the honorable Secretary of State of the United to make known to him that through a channel that deserves confidence ssured that the monitor Idaho, belonging to the government of the United is getting ready, and is soon to go out, armed for Peru or Chili, under ; of having been sold to Japan.

undersigned hopes that the honorable Secretary of State of the United will fix his attention on this news, not doubting that, in case it should be ven the departure of said monitor, or any other vessel, on the conditions ned, may be avoided.

undersigned avails of this occasion to repeat to the honorable Secretary e the assurances of his highest consideration.

GABRIEL G. TASSARA.

. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, November 20, 1866.

undersigned, Secretary of State of the United States, has the honor to vledge the receipt of the note of Mr. Tassara, of the 17th instant, stating e monitor Idaho, belonging to the government of the United States, is ; ready, and is soon to go out armed, for Peru or Chili, under pretext of been sold to Japan, and will thank Mr. Tassara to inform him what nformation, if any, he has in his possession in regard to the port or place ch the Idaho is, and from which she is expected to sail, and also to furim with any reference to evidence of such design, and the party or parties ned.

undersigned offers to Mr. Tassara assurances of his high consideration.

WILLIAM H. SEWARD.

or Don GABRIEL GARCIA Y TASSARA, *&c., &c., &c.*

AUSTRIA.

Mr. Motley to Mr. Seward.

4.] LEGATION OF THE UNITED STATES,
Vienna, December 11, 1865.

: I have the honor to acknowledge the receipt of your despatches Nos. 50, and 161, of dates November 4, 6, and 17.

e my last despatch upon the internal politics of this empire events have ranspiring of which the result must necessarily be of considerable importot only to Austria, but to all Europe. No results, however, have yet

been reached. The Diet of Hungary has not yet been opened, but it will doubtless be organized in the course of this week. Meantime the diets of Croatia and Transylvania have been for some time in session, as well as the diets of the seventeen provinces on this side of the Leitha.

The chief object of discussion in these various assemblies is, of course, the manifesto of 20th of September last, by which the part of the constitution called the Reichsrath statute was suspended.

I wish to abstain as much as possible from what I have already said in this correspondence upon Austrian affairs. I shall simply remind you, therefore, that the general object of the policy of the past four years has been to overcome the passive resistance of Hungary to the arrangement of February, 1861. This policy has now been substantially abandoned. The mountain refusing to move, Mohamet goes to the mountain.

The whole problem as to the most feasible method of a constitutional unification of the empire for imperial purposes is to be tried over again. The Schmerling, or February system, after puzzling all heads in Austria during four years, is at last thrown aside.

"If the road hitherto pursued by government towards a harmonious whole is now forsaken," said the chief magistrate of Carinthia to the assembled diet of that province, a few days since, "it is because government has gained the conviction that it is not possible in this way to fulfil the imperial promise."

What was this imperial promise? It was the October diploma. In this instrument the monarch pledged himself that there should be a constitutional representation of the populations of the empire for consultative and legislative purposes, especially for that most vital function of all organized communities, the tax-laying and money-spending power.

The February patent created an imperial parliament in two houses, consisting of members from all the kingdoms and provinces of the realm, was a deliberate attempt to carry out the pledge. This parliament, in conjunction with the seventeen cis-Leithan provincial diets created by the same patent, and with the ancient diets of Transylvania, Croatia, and Hungary, as modified by the laws of 1848, and revised by the patent, was the constitution promised by the Emperor. But the parliament itself was only a part, although a very considerable part, of that constitution.

It is natural that the German portion of the Austrian empire—say, ten millions out of thirty-five—should be bitterly disappointed at finding themselves obliged to renounce their imperial parliament in Vienna; for certainly during its four years of existence eloquence of a high character had been exhibited within the walls of its temporary house of assembly, and there had been proof of much capacity on the part of its members for dealing with great questions of state, and as certainly the German element is the predominant one in Austrian civilization, as on a wider scale it has been the leading ingredient in all that is intellectual and progressive in Europe or America since the downfall of the Roman empire.

But it is perhaps unjust to suspect bad faith or sinister designs against constitutional life in general on the part of the present government, because they have advised the suspension of that form of life which, during the past four years, has been struggling to make itself a fact. That those suspicions exist, and that there is much uneasiness felt on this side of the Leitha as to the possibility of anything practical and beneficent being evolved out of the chaos to which the September manifesto has remitted the populations of the realm, cannot be denied.

It must not be forgotten, however, on the other hand, that the chaos had not been dispelled by the fiat of February. The light was a very partial one, illuminating the favored regions so brilliantly that the coldness and obstruction of two-thirds of the empire were for a time overlooked.

It is not necessarily unjust for a monarch to say to the thirty-five millions under his sceptre that a representative system, thoroughly approved by less than one-quarter of their number, and obstinately rejected by at least one-half, and which required the indefinite maintenance of martial law throughout the greater portion of the empire, must, after four years of patient waiting, be pronounced a failure, and that some other scheme must be devised to bring about that harmony of parts out of which only a consistent and living whole can be produced.

Of the diets now in session, those of the purely German provinces, as Upper and Lower Austria, Styria, Salzburg, Vorarlberg, and Carinthia, six in all, with, however, only four millions inhabitants, have, with more or less violence of language, censured the course of government and voted addresses to the Emperor requesting him to rescind the September manifesto and restore the Reichsrath.

In Lower Austria, of which the capital is the imperial city of Vienna, the tone has been less decided than in the other German provinces, and, although the speeches against the ministry have been very severe, in some cases not even sparing the monarch himself, the resolutions proposed by the more extreme party, and carried by a vote of forty-six to ten, are by no means violent. They demand that such decisions as may be formed by the Hungarian Diet, as the result of the deliberations about to open, may be laid before the Reichsrath, but without specifying whether the greater or lesser Reichsrath be intended.

But it seems at present very difficult to admit that the lesser Reichsrath has a legal existence. The lesser, as I have explained in a former despatch, is evolved out of the greater, but the greater or imperial Reichsrath being suspended, the lesser would seem to be necessarily suspended with it.

It is also understood, I believe, that the resolutions of the Hungarian Diet (inclusive of the Croatian and Transylvanian diets) upon the whole subject, when these deliberations come to an end, will be submitted to each of the seventeen provincial cis-Leithan assemblies for approval or rejection. But the time is far from having arrived for this process.

Meantime, while the purely German provinces have, as above stated, denounced the ministers and their September manifesto, the non-German diets are of a very different mind.

Galicia, with its five millions inhabitants, has unanimously and at once voted its thanks to the Emperor for suspending the Reichsrath, while there can of course be no doubt as to the trans-Leitha sentiment. In the diets of the mixed provinces, as Bohemia, Moravia, and Carniola, where the German and Sclavonic elements are nearly in equilibrium, it is yet doubtful whether an address of thanks or of regret will be adopted, and the tone of the German party is much more moderate than it is when that party is predominant. In Bohemia the present indications are that the party which approves the course of government will have a small majority. The February party proposed an address in opposition to government, and were defeated by a majority of eleven. A motion is now pending from the other side, the adherents of the ministers. It may also fail, as this phenomenon has exhibited itself in Moravia. In the diet of that province a motion to thank the government lacked three votes of a majority, and a motion implying censure came within eight votes of being carried. Thus it would seem that a small number of members, disinclined to any demonstration, controlled the voting on both occasions.

I ought to add that considerable latitude of speech has been allowed, and the press has not been as much interfered with in its expressions of opinion as during the late administration. This would indicate a consciousness of upright intentions on the part of government. When the Hungarian Diet shall have been organized the October diploma and the February patent will be laid before that assembly and the deliberations will begin. If a resolution should

be carried approving the February statute the Reichsrath would *ipso facto* be revived from its suspension, and the splendid vision of a central imperial parliament become a reality. I suppose, however, that no one dreams of any such result, and the chief interest now centres in the discussions immediately to take place in the trans-Leitha parliament. Afterwards, when a thorough understanding has been reached between the monarch and his subjects of the crown of St. Stephen, with its Croatian and Transylvanian "*partes adnexæ*," it is probable that Francis Joseph I will be crowned at Pesth as king of Hungary before the attempt is made to reconcile the decision of the trans-Leitha diet with the resolutions of the other seventeen provinces.

The next great struggle, after the Hungarians shall have declared their minds, will be to invent some scheme of empire in which all can unite.

What that scheme will be I confess myself unable to imagine. That some bond of union must be found among the discordant and incoherent parts of the Austrian empire, if that empire is to continue to exist, is certain. Hitherto that body had been found in absolutism. The strong arm of military despotism had held together thirty or forty millions of people, differing essentially from each other in language, habits, culture, tradition and character. But it was and is honestly desired to find something better than bayonets to produce a harmonious whole, nor would there seem an absolute impossibility in applying something of the federation principle to a monarchy compounded of such divergent elements. The problem how to create a nation out of nationalities, a people out of populations, an empire out of provinces and states, is as old as history, and one of the most difficult and one of the most important for human sagacity to solve.

A thousand years ago the greatest of German emperors—whose name is such a whimsical blending of Latin and French dialects, while belonging to neither of them and to no language—Charlemagne, attempted in vain to unite under his sword and sceptre the discordant nationalities and populations of Europe which had need at that epoch, not of union, but of disintegration.

And now a successor in a portion of that mighty realm has to deal with a portion of the difficulties which made the task of Charles the Great impossible.

That there is a tendency to disintegration, a strong centrifugal impulse in the Austrian states and provinces, is certain. Yet, on the other hand, as more and more powerful grows the great American republic, the more and more instinctively, even if unconsciously, does Europe press itself together, and the more and more urgent becomes the necessity of the great empires to become, if possible, greater, and to resist those dissolvents which, if not checked in their action, lead to national death.

That the great federal principle by which many states can be bound into a powerful homogeneous empire while preserving local autonomy, and the utmost amount of self-government and individual liberty consistent with a mighty imperial whole, is best attained in a republic, I think the United States has made manifest to the world, and never more triumphantly than during the magnificent four years of civil war which the superficial and the vulgar thought the precursors of our national existence.

But while we thankfully accept our own form of government as the best and the one which is likely to best fulfil the demands of the future upon humanity, and while our best patriots strive every day to improve a system which would be not human if not full of defects, we ought to remember how much we owe to our epoch and to physical science.

A thousand years ago, without printing and steam and the other great achievements of the human intellect, the mighty republic of the United States would have been a more extravagant vision than was the imperial dream of Charlemagne. Oregon, Tennessee, the shores of the Mexican gulf, New York and New England, would of necessity have been as foreign and as incomprehen-

sible to each other and as remote from each other as the most hostile and warring portions of Europe among themselves, and as impossible to unite into one mighty realm.

I ask pardon for these reflections, which may strike you as superfluous, but in these days of construction and reconstruction and change on both sides of the Atlantic it is difficult to avoid falling into a vein of thought more academic than diplomatic.

That some scheme may be devised to extend the liberties and to advance the intellectual and material interests of the Austrian people, and that it may be found possible to unite a good degree of local self-government with the imperial necessities by some better means than physical force, is certainly to be sincerely desired.

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 137.] UNITED STATES LEGATION,
Vienna, December 18, 1865.

SIR: I have made a careful translation of the Emperor's speech on opening the Diet at Pesth, which you will find herewith. For the first time in history, the royal discourse to the Hungarian parliament was made in the Hungarian language, a fact which contributed much to the enthusiasm with which it was received.

My translation is from the German version published in the Vienna Gazette.

There is no need of my offering any remarks as to the extreme importance of this state paper in the present great historical crisis of the empire.

Even in the midst of your severe labors at home to clear away the wrecks of the secession war, and to re-establish the great republic on a more enduring basis than perhaps can be hoped for by many European realms, you will doubtless find time to observe the process by which the imperial government is seeking to repair the damages of the civil war of seventeen years since, and to reconstruct the empire.

I shall endeavor in this correspondence to keep you accurately informed as to the history and vital significance of events as they gradually unroll themselves, and I shall be careful not to trespass more upon your patience than seems necessary.

To-day I shall simply draw your attention to the passage in the speech regarding the necessity of the revision of a portion of the 1848 laws of Hungary, observing that upon this point the most earnest debates will probably soon take place, and the most divergent opinions manifest themselves. How to regulate the public affairs common to the whole monarchy, when perhaps the most influential party in Hungary will demand a resident palatine—in all but rank a king—with independent ministers and departments of treasury and of war for that kingdom, seems a most difficult problem. You will observe that the language of the monarch, although conciliatory and benignant in general, does not lack firmness upon this point. It is probable, therefore, that so soon as the first burst of enthusiasm has passed away with which the speech has been greeted on all sides in Pesth, grave demonstrations of dissent will be observed. Meantime the suspension of a constitutional life is likely to continue for a considerable period on both sides the Leitha, and this very fact must breed discontent throughout the empire.

Thus the organ at Pesth of the extreme party in Hungary (formerly called

the Beschlusz Partei, or resolution party) observes in a late number that the 1848 laws contain nothing tending to the ruin of the monarchy or detrimental to the rights of majesty, but that, on the contrary, they are the foundation of constitutionalism and the prosperity of the monarchy, and that it will be the grateful task of the Diet to make this clear. It adds, that as the Hungarian and February constitution cannot exist together, one of the two must always remain in suspense. "This suspension of the entire State constitution simultaneously with the revision of the 1848 laws," it continues, "is, however, satisfactory to none of us, since the result is simply that both constitutions are suspended, and that parliamentary government exists neither in Pesth nor Vienna."

On the other hand, one of the most gifted and eloquent supporters of the February constitution, Count Auersperg, known to all Germany as a popular and graceful poet under the pseudonym of Anaslasius Gün, and recognized as one of the most eminent debaters in the late Reichsrath, recently used this strong language in the Diet of Carniola, speaking against the suspension manifesto of September: "By this patent a new situation is created. A constitution over which the Damocles sword of suspension is ever lifted is no longer a constitution, and absolutism is preferable to such a system. The incomplete carrying out of the February constitution was only a fault of persons, not of principle. * * * There is much that is enticing in the September patent, yet if twenty creative diets are to bring about a chaos most certainly an absolute God Almighty will cry out to them, *A quos ego.*"

You see by these extreme expressions in Germany and in Hungary how very grave the situation may become, should the Hungarians, inspired by their present feelings of exultation, push their claims to an unreasonable extent.

Most certainly, if the various component parts of the Austrian monarchy cannot agree upon some common constitution, the necessary result is a return to absolutism—for otherwise the empire would cease to exist.

I observed in my last despatch that it was possible that the diet of Bohemia might pass a vote of censure or regret in regard to the September manifesto. The party sustaining the present administration, however, uniting with the extreme czech-federalist-aristocratic party, have obtained a small majority and voted an address of approbation.

The speech of the representative of government in the Bohemian Diet, Count Lazausky, eminently federalist in tone, was considered by the German party so bitter towards the Reichsrath that four members of that departed parliament, Prince Carlos Auersberg and Counts Hartiz, Salm and Althau, members of the late House of Peers, resigned their places as deputies in the Bohemian Diet. "The government commissioner," they say, "has declared, in the debate on the address, that the Reichsrath has never legally existed, and has thus exposed the members of the suspended Reichsrath to the laughter and the scorn of the diet party, which abhors the Reichsrath. The undersigned, belonging to those members of the Reichsrath thus exposed to contumely by the government representative, are determined to prevent a recurrence of such scenes which have in view the depreciation of a mission undertaken from a sense of duty, and they therefore lay down their commission."

Prince Carlos Auersberg was presiding officer of the House of Peers—the other gentlemen very eminent in rank, public service and general consideration; while the extreme liberal and democratic organs in the German part of the empire are still more vehement than the aristocratic party in their expressions of feeling.

Thus there are materials enough for a violent explosion, if the conflict of nationalities is carried too far.

I have the honor to be your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Speech from the throne of his I. R. Apostolic Majesty at the opening of the Hungarian Diet, December 14, 1865.

[Translation.]

While we greet with sincere joy the estates and representatives of our beloved kingdom of Hungary assembled in Diet, we at the same time make known the purpose which has brought us here with that open frankness which can alone establish the indispensable bond of confidence between a monarch and his people.

We came to complete that which we had begun, penetrated with the feeling of our duty as regent. Our object is, by our personal intervention, and therefore the more successfully, to settle those doubts and to remove those obstacles which hitherto have opposed the solution of pending questions of state law.

Among these do we class in the first line the violent contradiction which existed in the different starting-points towards the contemplated mutual understanding. Legal forfeiture on the one side, and stiff legal continuity on the other, could not lead to any agreement.

The obstacle we now remove in choosing a universally acknowledged ground for our starting-point.

Whereas this fundamental state law has guaranteed the self-dependence of the inner formation and administration of the kingdom of Hungary and the adjoining provinces, it has at the same time preserved the constant indissoluble and inseparable union between the kingdoms and provinces standing under the government of our house, and therewith the position as a great power of their entirety. Even as we therefore find in this entirety a necessary and legal limitation of that independence, even so we recognize, without reserve, justification thereof within these limits.

In the same manner do we wish to preserve unimpaired the conditions of the pragmatic sanction which related to the integrity of the Hungarian crown, and although we are obliged to pay regard to those facts upon record in the last decade, we have at the same time directed our sovereign care to make possible the representation of the provinces of our Hungarian crown at this Diet.

For this purpose we have convoked the Diet of our principality of Transylvania, in order that it may undertake an earnest and thorough examination of the first law-article of the year 1848, relating to the union between Hungary and Transylvania, and we require the estates and representatives of our kingdom of Hungary assembled in Diet to take a similar action in regard to the seventh law-article of the year 1847–'8, in order that this question, not, according to the dead letter of the law, a fictitious and doubtful one, but, on the contrary, in harmony with all vigorous factors, may find through their intimate conjunction a lasting and complete solution.

In the same manner have we made known the summons to the assembled Diet of Croatia and Sclavonia reasonably to provide that it should be represented at this Diet; and while we communicate the resolution of the Croatian Diet, passed in the year 1861, regarding the relation of Croatia to our kingdom of Hungary, do we feel the confidence that the argument in regard to the legal relations of brother races, united for centuries, will be firmly established in the way of mutual yielding and in the spirit of that equitable conception to which the estates and representatives of the kingdom of Hungary assembled in Diet have lent an unequivocal expression in their address in this regard, issued July 6, 1861.

As the first task of this Diet we must indicate the manner of negotiating affairs common to all our kingdoms and provinces.

The existence of such affairs has its formation already in the spirit of the pragmatic sanction, although, in regard to the manner of negotiating, the essentially altered relations demand an essential change.

The transformation of the political, economical, and social factors which in the meanwhile had gained ground, decided us, in the consciousness of our high task, to confer constitutional rights also on our other kingdoms and provinces, and therefore the affairs common to all provinces are only to be conducted under the constitutional co-operation of those kingdoms and provinces.

These were the motives which guided us when we issued our diploma of October 20, 1860, and we still firmly hold the conviction that a common constitutional treatment of affairs, indicated in that diploma as universal, forms an incontrovertible requisite of the united stability and position as a power of our collected monarchy to which every other consideration must be subordinate.

As regards the manner of negotiation, we have indicated a form in our patent of February 26, 1861, which has, however, excited various and important scruples. While we, therefore, cannot withhold the conviction that this question cannot be determined definitely and lastingly with the weapons of material or moral pressure, but, on the contrary, only in the way of general compromise, and a recognition of necessity, we have temporarily, by our manifests of September 20, suspended the efficacy of the statute of the representation of the empire, and do now lay before the estates and representatives of the kingdom of Hungary assembled in Diet our diploma of October 20, 1860, as well as the patent of February 26, 1861, for mature consideration, incisive criticism, and acceptance.

The well-understood interests of our kingdom of Hungary, as well as the prosperity and safety of the whole empire, require the soonest possible settlement of this affair, so that the constitutional rights of the single kingdoms and provinces may, through the cordial annexation of our people, be durably secured, may develop themselves on a firm basis, and may rejoice in a vigorous bloom. We expect, therefore, of the estates and representatives of our kingdom of Hungary assembled at this Diet, that they may in a spirit of equity examine the state papers submitted to their judgment, and in case of the existing objections appearing insurmountable, they may propose such modifications only as can be brought into harmony with the vital conditions of our entire monarchy. In close and inseparable conjunction with the decision of this question stands the revision, and respectively the reform, of that part of the 1848 laws which has reference to the efficacy of our rights as sovereign, and the limitation of our attributes of government.

Things which stand in a close conjunction and exercise a mutual effect upon each other cannot in practical realization be separated.

The unchanged coming into life of these laws does not lie within the region of possibility when we take into consideration the position as a power of our empire, the undiminished value of our sovereign rights, and the just demands of the neighboring provinces. Although, therefore, the formal legality of these laws cannot be questioned, yet our duties as a sovereign, and the conscientious consideration of the care owed equally to all our people, forbid us to confirm by our inaugural oath the vindication and application of these laws, before the simultaneous fixation of the relation of the mutual rights and duties. It is, therefore, necessary that the motives of these laws which either circumscribe our sovereign rights or bear reference to the alteration of the form of government, without bringing them into harmony with the conditions of stability of the monarchy, or with the inner institutions of the land that repose on a long-inherited basis, may be carefully examined and judiciously altered. In this way it will be made possible that we, too, may with a quiet conscience render our royal inaugural oath to the suitably remodelled and, for late posterity, firmly established constitution, and receive the consecration of coronation with the diadem of the holy Stephen, our apostolic ancestor, with that holy crown in which we are disposed to insert, as its most precious stone, the prosperity of our kingdom of Hungary and the unbroken love of its people.

As crowned king, we will not fail to impart to the assembled estates and representatives, besides those state papers which we already submitted to the Diet of 2d of April, 1861, also our royal propositions in regard to numerous other affairs. These are objects which touch the spiritual and material interests of the wisest circles, and whose successful regulation cannot be postponed without detriment to the land.

The will of Divine Providence has imposed on us great and heavy tasks, and to this land not less earnest ones, and charged with grave responsibility, by reason of the suspension of constitutional life which has now taken place in a great portion of our empire.

Insoluble, however, they are not, if the country, in union with its sovereign, and following the traditions of the forefathers, undertakes them with self-denial and willingness of sacrifice.

We hope this so much the more as the land, in imparting strength and weight, gains strength and weight, in progressing to the lifting of these difficulties elevates itself, in working for procuring the stability of the whole secures its own stability; and if we are successful, after a long pressing epoch, in leading our empire with the help of the country through the doubtful turnings of a difficult situation to the wished-for term, we shall bless the moment that ripened our resolution to revive and confirm the confidence between the sovereign and the people.

With confident success do we look forward to the candid exposition of the views of the assembled estates and representatives of this land, and while we solemnly declare the Diet of our kingdom of Hungary as open, we close with the earnest wish that it may be granted to us, with God's help, to lead to a happy issue the great work of mutual agreement.

Mr. Motley to Mr. Seward.

No. 141.] LEGATION OF THE UNITED STATES,
Vienna, January 8, 1866.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 159 and 160, of dates November 4th and 6th, 1865.

I have nothing further to state to-day concerning the affairs of Hungary, as the diet of that kingdom was adjourned for the Christmas holidays and has not yet reassembled.

It is understood that the Emperor and Empress, with the whole court, will proceed to Pesth on the 20th.

The most important incident relating to Austrian affairs since my last despatch

is the promulgation, in accordance with the September manifesto, of the finance. law for 1866 by the Emperor.

During the suspension of any general legislative body, the monarchy is of course governed absolutely.

The finance edict or budget is accompanied by an elaborate report of the finance minister, Count Larisch, addressed to the Emperor.

The sum total of expenditures for the year 1866 is fixed at 531,273,881 florins, Austrian currency.

The sum total of receipts is estimated at 491,134,735 florins.

Deficit for the year 40,139,146 florins, to be covered by a loan.

The report of the minister is characterized by a courageous frankness; a determination being evident on his part to tell the whole truth concerning the financial condition of the empire, even although that truth cannot be considered cheerful.

The most striking general features in the report are the statements that it is entirely out of the question to increase the income of the empire by an increase of taxation; that there is a deficit of this year of forty millions; and that there is an additional deficit for the two past years of seventy millions over and above what had been hitherto announced by the former minister of the treasury.

As the best illustration of this impossibility to increase the taxes, the proposition is made for a reduction in some of the most oppressive ones, namely, the land and house taxes, now more than 33⅓ per cent. of the rent, making a diminution of the treasury receipts for the year of 4,600,000 florins.

"This loss," says the minister, "will be richly compensated by the moral impression produced by a measure which constitutes a practical pledge of the earnest intention of lightening as far as possible the burdens imposed upon your Majesty's faithful peoples."

As an explanation of the revelations as to the results of the years 1864 and 1865, (including the two last months of 1863,) it is stated that the expenditures for that period were almost exactly in accordance with the published estimates of M. de Plener, but that his estimates of receipts fell short in round numbers about seventy millions.

The finance law of 1865 announced a nominal deficit of nearly eight millions. It really amounted to a sum but little short of eighty millions. The details as to these discrepancies will hardly interest you. It may be as well to state, however, that thirty millions had been relied upon by the former minister from the sale of public property, but that it had been found impracticable to effect these sales.

A loan of ninety millions specie has very recently been negotiated. This has been mainly employed in covering the deficiency just indicated. There remains in the treasury for the use of the present year a sum of twelve million florins.

As the deficit for the fourteen financial months of 1864 actually amounted to one hundred and fourteen millions, and the deficit of 1865 to eighty millions, it is considered by the present minister a subject of congratulation that the estimated deficit for the current year is only one-half that for the last year.

"Chronic, deeply rooted evils," says Count Larisch, "cannot be got rid of at once; one must be content if the cure of them is gradual but constant."

It is also important to state that the deficit for this year is caused almost entirely by the necessity of providing for the last instalment of the debt to the National Bank, amounting to 35,600,000 florins, which falls due on the last day of December, 1866.

Another encouraging symptom indicated by the minister is the approaching resumption of specie payments by the bank, to take place after this liquidation of the imperial debt has been duly made.

The agio on gold has already fallen to less than five per cent., and no doubt is at present entertained of a return to a metallic currency with the beginning

of next year. The National Bank is described by Count Larisch as one of the most solid and healthy institutions of credit in Europe, and he observes that "the providing for the necessities of the state by making use of a bank-note printing press is now reduced by legal measures to an impossibility."

While the minister modestly refrains from any hope that the actual receipts for the current year may exceed his estimates, he ventures an expectation that those of 1867 may, with the preservation of peace and the return of public confidence and public prosperity, show an improvement.

As during the two past years every source of income, with scarcely any exception, ordinary and extraordinary, direct and indirect, is proved to have been largely overestimated, to the gross amount already mentioned, it is hoped by the minister that his own estimates, already subjected to an incisive criticism by experts, may prove more satisfactory.

The rough estimate of the budget for 1867, taking the expenditures at the same figures as in 1866, with the deduction of the payment to the bank, is as follows:

Expenditures	485,621,243 florins.
Income	457,134,735 florins.
Deficit	28,486,508 florins.

This is certainly an improvement on the past, but very far, of course, from healthy housekeeping, especially to an empire always from geographical and historical causes exposed to war.

Having thus given you a general view of the finance minister's annual report, I think it may possibly interest you if I very briefly indicate a few of the leading items of Austrian expenditure and revenue, making use of round sums, as close as possible to the actual ones, in order to avoid the confusion of long strings of figures, not necessary for the purpose of this despatch. The accounts are in Austrian currency, which now varies very little from specie. The Austrian florin is equal to a little less than half a dollar.

Expenditures.—The Emperor's household, 7½ millions; foreign office, over 2 millions; state department, including police and education, about 30 millions; chancery of Hungary, 11½ millions; ditto Transylvania, over 3 millions; finance ministry, 350½ millions, including 124,636,662 interest on the debt, and 65,834,998 of debts falling due; ministry of justice, nearly 10 millions; ministry of war: army, 88,763,000; navy, 7,825,981—96½ millions. Total, 511 millions.

The chief sources of revenue are direct taxes. Land tax, nearly 65 millions; house tax, 23 millions; trade and business taxes, 11 millions; income tax, (7 per cent.,) 20½ millions. Total, 119½ millions.

Indirect taxes.—Brandy, 14 millions; wine, 6 millions; beer, 17 millions; sugar, 9 millions; cattle, to be killed, 5½ millions; Pachtungon leases, 5 millions; salt, (monopoly,) net receipts, about 33 millions; tobacco, net, 25 millions; stamps, 16½ millions; taxes on legal business, 26½ millions; lottery, 20 millions; customs, less 1,674,614 for collection, net almost exactly 12½ millions. Total, 190 millions.

About three-fifths of the national revenue is made up of these items.

I have given the net income of the two monopolies—salt and tobacco—as, of course, if deductions were not made from the gross receipts (stated in the report at over thirty-nine millons and over fifty-six millions respectively) of the expenses of the business, my statement would be valueless. You will be struck with the trifling amount of the trade of Austria, as shown by the traffic receipts, which in gross were only 14,172,684 florins.

Whether the reduction next year of the tariff according to the Anglo-Austrian treaty just concluded and described in one of my last despatches, and

according to the French-Austrian treaty soon to be negotiated, will produce a larger sum than the present very insignificant amount, time will show.

I shall make but one more quotation from the minister's report. After stating that the interest on the national debt has been growing steadily year by year, from 106,719,800 florins in the year 1861, to 124,636,663 florins in 1866, he observes that "this is a progression in which an earnest warning lies to make every exertion to restore as soon as possible the equilibrium of the national accounts."

I have the honor to remain, sir, very respectfully, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 145.] LEGATION OF THE UNITED STATES,
Vienna, February 13, 1866.

SIR: I have not the honor to acknowledge the receipt of any despatches since your No. 163.

The most important event in this empire since my last despatch is the presentation on the 8th of this month of the project of an address to his Majesty by the Hungarian Diet in answer to the speech from the throne.

A translation of that speech was sent in my despatch No. 137. I have now translated the most important passages of the proposed address and send them herewith. This document, the importance of which, as a manifesto of the great majority of the Hungarian Diet and public, can hardly be overrated, is mainly the work of Francis Deák.

This statesman, undoubtedly by far the most influential and popular personage in the kingdom, who, although himself an advocate, belongs to the middle classes, wields immense power over the highest aristocracy in the most aristocratic country in Europe, seems to possess at this moment the confidence both of the Austrian government and of the Hungarians. Gifted with much eloquence and administrative tact, he has been looked upon as almost the only individual capable of dealing with the great Hungarian question. Whether the sphinx which has been oppressing the imperial house for the last seventeen years will accept the present solution of her riddle and cast herself forever into the abyss, the immediate future will show. It does not seem probable, however, that she will be got rid of so easily.

I have said so much concerning the Hungarian subject in previous despatches that I refrain from wearing your patience with many comments on the present address.

Placing yourself in the position of a Hungarian you would probably admit that the document breathes noble sentiments and expresses reasonable views concerning self-government and the true relations between king and people. But taking the position of a citizen of the Austrian empire you would find it difficult to see much improvement in the present address over that of 1861.

The Emperor as king of Hungary asks the Diet to favor him with views and suggestions as to the October diploma and the February patent. In reply those famous creations are very respectfully but most decidedly despatched by the address to the limbo of all departed or abortive constitutions.

Calmly ringing the death-knell over the constitutional unity of the empire, the address then summons the sovereign in the name of the pragmatic sanction to restore the time-honored "constitutional self-dependence and legal independence" of Hungary. That phrase occurs sixteen times in the document. A mild

satisfaction is expressed at the intention of the monarch to invest the other countries under his sceptre with constitutional rights, but no suggestions or criticisms are offered as to the means of carrying out such intention on the ground that Hungary has no right to interfere with the internal affairs of foreign nations.

For herself, Hungary implores that the absolute government which for seventeen years has superseded her ancient, still legal continuing, but practically suspended constitution, shall now be terminated. She demands a parliamentary government at Pesth for all the countries belonging to and annexed to the crown of St. Stephen, a Hungarian cabinet of ministers responsible to that parliament, and the restoration of local self-government in the countries, districts and cities of the kingdom. When that is accorded, she will proceed to the revision of the laws of 1848. She admits that there are affairs common to the Hungarian crown and to the other countries under the monarch's sceptre, and she is willing to arrange some method of treating those topics as one free and independent nation deals with another free and independent nation. The address states, as you will perceive, that a scheme for this purpose is now in process of elaboration and will soon be laid before his Majesty.

Until that project is made public it is not possible to judge of the whole scope of the present Hungarian policy. But unless the address has made very large and lofty pretensions in the expectation of being obliged to moderate them in the usul course of compromise, the prospect of an arrangement would not seem very hopeful. The official organ of the government of Vienna has already declared the demands of the address for an independent ministry, and the restoration of the municipalities to be inadmissible—on the ground that the unity of the empire in its undivided and indivisible integrity has been proclaimed by his Majesty as the supreme Austrian principle of state, and that to comply with the demands of the address would be equal to a division of the realm.

The problem then to reconcile the "legal self-dependence and constitutional independence" of the kingdom of Hungary with the indivisible unity of the Austrian empire would still seem to be as far from a solution as the quadrature of the circle.

The next step after the address has been accepted by the Diet at Pesth will be the publication of a rescript from the throne in answer to the address—and then the great war of words will begin.

The court is still at Pesth, where the festivities are described as very brilliant. The moment, however, has now arrived for serious business.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—The copy of the translation of the address being not quite ready, will be sent by the next steamer.

Mr. Motley to Mr. Seward.

No. 146.] LEGATION OF THE UNITED STATES,
Vienna, February 19, 1866.

SIR: I have the honor to acknowledge the receipt of your No. 164, of date January 29th.

I transmit herewith the translation, alluded to in my last, of the most important passages in the project of address by the Hungarian Diet to the Crown.

I think that you will find it useful for reference, as it is the deliberate expression of the opinions entertained by the majority of that assembly upon the great questions by which the empire has been agitated for seventeen years.

It is, I suppose, certain that it will be adopted. It now forms the subject of debate in the Diet, which will apparently be very protracted. Forty members have already inscribed their names to speak. The first speech, made by Mr. Bartal, vice-president of the royal Hungarian stadholderate, occupied three hours in the delivery, and is reported in eighteen columns of the largest-sized newspapers. As it was printed (translated in full out of Hungarian-German) in the semi-official journals of Vienna on the morning after its delivery at Pesth, it is to be regarded rather as a prepared document than a speech—a kind of manifesto of the party in the Hungarian Diet sustaining the present imperial administration. His propositions for compromise are, in brief: a "congress" for deliberation upon the affairs common to the triune-kingdom of St. Stephen, and to the cis-Leithan portion of the Austrian monarchy; this congress to be elected every year by and from the members of the Hungarian Diet on the one part, and the legal representatives of the other provinces of the empire on the other part, in equal proportion; to have public sessions; to be bound by no instructions; to decide conclusively according to the majority of votes. The subjects over which this congress is to dispose are war, foreign intercourse, and such portions of the indirect taxation as is necessary to determine the quota of each "imperial half" for the common expenses. Any changes in or extension of this system are to be dependent on a vote of the Hungarian Diet.

I enter into no discussion of this programme, but merely add that it has very small probabilities of success. It is important, however, on account of the official source from which it comes.

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Project of the address of the Hungarian Chamber of Deputies to his Imperial Royal Apostolic Majesty.

[Translation.—Extracts.]

FEBRUARY 8, 1866.

Your Majesty has decidedly discarded the theory of legal forfeiture, so pernicious, so destructive of all mutual confidence, and in opposition to it has chosen for point of departure the pragmatic sanction as the mutually recognized legal basis. Your Majesty has graciously assured us that your Majesty will maintain inviolably the full integrity of the Hungarian crown. * * * Deeply do we feel the extraordinary difficulties of our important task. We know that there are times of crisis in the life of nations which exercise decisive influence, not only upon the fate of individual citizens, but on the whole future, and sometimes on the existence of the nation. It may be that we are on the threshold of such an epoch. * * * A peaceful development of the regeneration was disturbed, and seventeen years were torn out of the constitutional life of the nation. Time strode forward, circumstances became confused, and we were condemned to inactivity, exactly at the moment when constitutional activity was most needed. That which during those seventeen years might have been easy step by step to complete, and to improve, now, all at once, and especially after all that has happened in the mean time, will be much, very much more difficult to accomplish. * * * * * * *

Your Majesty in taking as point of departure the pragmatic sanction, also recognized that the said fundamental law had guaranteed the independence of Hungary and the parts (Theile) therewith connected, as well in regard to public law as to internal administration. And the legal national limitation of this independence is found by your Majesty only therein "that the said pragmatic sanction has permanently founded the indivisible and inseparable connection (zusammengehöngheit) of the countries (Lünder) standing under the government of the sovereign house of your Majesty, and thereby the position as a great power of the totality of the same."

At the conclusion of the pragmatic sanction it was the chief object of the monarch that he in case of extinction of the male line might secure the succession to the throne to his descendants in the female line. On the side of the nation, however, the object was that they might choose in the occurrence of the above-mentioned event at once a new royal house in the said female line, and thus avoid the often dangerous consequences of a free election.

The aim as well of the monarch as of the nation was, however, that kingdoms and countries standing according to the ordained succession to the throne under one common ruler, the possession of which was to be indivisible and inseparable, might with united strength the more easily and securely oppose all external and internal enemies. This common security was thus the second principal aim of the pragmatic sanction, and time fully justified this foresight, because, had the pragmatic sanction not been established, and had Hungary in 1723 not accepted it, the kingdoms and countries which since that time have, mutually protective of each other under one ruler, been able to maintain themselves amid the greatest dangers, would at the extinction of the male line of the Hapsburgs, seventeen years later, have probably been scathed under the sovereignty of many different princes. * * *

Your Majesty has indicated as the first task of our Diet "to take measures for consultation upon and treatment of affairs existing in common with the other countries of the monarchy," and has observed "that the existence of those common affairs finds its recognition in the pragmatic sanction, but that the form for their treatment requires essential alteration in consequence of essentially altered circumstances," especially for the reason that your Majesty "has invested the other countries with constitutional rights, and that therefore the constitutional influence of the same is inevitable in the treatment of the common affairs."

We recognize that there are circumstances which interest in common Hungary with the other countries standing under the rule of your Majesty, and our efforts will be thereto directed, that in regard to the fixation and mode of treatment of these relations such measures are taken as, without endangering our constitutional self-government and our legal independence, will accomplish that object. Exactly on this account we are proceeding without delay to the elaboration of a project relating to this end. The purest joy and entire tranquillity are secured to us by your Majesty's decision to govern all your kingdoms and countries in a constitutional way. Civil freedom is a treasure which does not melt, and is not weakened because others gain civil freedom. * * * We regard the constitutional freedom of all the countries of your Majesty as a support of our own freedom, for we cannot believe that the peoples of those countries desire a constitution which would make the maintenance of our constitutional self-dependence and legal independence, existing for centuries, and guaranteed by the pragmatic sanction, impossible.

We take respectful notice, therefore, that your Majesty has invested your countries not belonging to the Hungarian crown with constitutional rights, and as we said in our address in 1861, "we will hold intercourse with them as with constitutional peoples and a self-dependent free nation with another self-dependent free nation, under guarantee of our independence and their independence." How the constitutional forms of these countries should be arranged—on what basis their mutual relations be ordered—thereupon we can express no opinion; for this affair concerns exclusively those countries and your Majesty, and we have no right to meddle with it. We can only express the wish that free constitutionalism may as soon as possible come into actual existence in our fatherland and in theirs. In this case we are ready, as we said in our humble address of 1861, "to do what we may do, and what, without violation of our self-dependence and our constitutional rights, we can do, even above the measure of strict duty commanded by law on the basis of equity, and for political reasons, in order that their weal, and therewith our own, may not be crushed under the heavy burdens which the absolute system has heaped up in its progress, and in order that the pernicious consequences of the past hard times may be removed from them and from us."

Your Majesty was pleased to send to us the diploma of the 20th of October, 1860, and the patent of the 26th of February, 1861, and graciously to summon us to deal in the pacific spirit of moderation with these decisions of your Majesty, and in case the anxieties springing therefrom are not to be set aside, to make some proposal of modification which might be brought into harmony with the vital conditions of the empire of your Majesty.

Your Majesty has further expressed your firm conviction that the treatment of the common affairs included in the October diploma in the sense of a common constitution, had become an inevitable requirement of the united existence of the empire and of its position as a great power, before which all other considerations should move to the background.

Yes, august sovereign, we have pondered these two acts of your Majesty in the pacific spirit of moderation. We do not deny the large signification of the October diploma, in so far as your Majesty thereby gave to your peoples the solemn assurance of your will to rule them constitutionally in the future. This diploma is the foundation-stone of the universal constitutionalism for all those countries of your Majesty which do not belong to the Hungarian crown.

Our constitution, however, did not derive its origin from the October diploma: it is as old as the existence of our country, and has developed itself out of the life of the nation. In Hungary the ever-honored rights of the royal power rest upon the constitution. Under guarantee of the maintenance of this constitution, the Hungarian nation formally elected its kings; under such a guarantee it established of free-will the succession law to the throne of the august house of Austria, as well for the male as female line, and this guarantee has been renewed at every coronation in the royal inaugural diplomas.

As your Majesty in the year 1860 graciously determined in future to renounce the absolute system of government, we hoped with confidence that our legally existing but actually suspended constitution would be re-established, and that your Majesty would, on the basis of

the same, in the way of regular legislation, effect any necessary modification of one or another portion of our laws. Our hope was not fulfilled. The solemnly guaranteed rights of Hungary were set aside, and the October diploma granted to the whole empire a common constitution, which was also extended over us.

Into this granted common constitution those essential rights of Hungary were transplanted which the Hungarian nation, according to its inherited constitution, has itself exercised in regard to its own fatherland, and which were never in contradiction to the thorough security of the empire; yes, which have essentially and constitutionally contributed to its preservation.

In regard to the contents of the October diploma, we have ripely considered them and entirely convinced ourselves that the circumscription of the common affairs offered by this diploma in many respects transgresses the limits of the pragmatic sanction; that it takes much away from the legislation of our fatherland, which the complete insurance of the purposes stated in the pragmatic sanction does not at all require. * * *

We declare to your Majesty with sincere confidence that we should, by the acceptance of the provisions and principles of this diploma, bring about the annihilation of our constitution, of our constitutional self-dependence, and our legal independence.

We propose to develop more in detail our views and our reasons in the proposal which we mean to lay before your Majesty in regard to the fixation of the common relations and the mode of their treatment.

Undoubtedly the patent of 26th of February took its rise in the foundation of the October diploma, but it went far beyond the bounds of that instrument. It did not even spare those rights and special interests of the separate countries which did not stand in contradiction to their common purposes and really common interests.

It appeared rather intended for a process of melting down than of uniting, and therefore the paternal wish of your Majesty that the constitutional freedom of the separate countries, permanently secured by the inmost fraternization of your peoples, might unfold itself on firm foundations, could not go into fulfilment. As little could be realized that which the pragmatic sanction indicated—the tranquillity and sincere unity of sentiments. An experience of four years is at last the proof that the constitution contained in that patent did not accomplish the pacification of the peoples, and practically could not be carried out.

Towards us, however, this patent was a still more decided and sharper expression of the legal forfeiture theory. As Hungary, by the acceptance of the pragmatic sanction, made it possible that the countries belonging to the august reigning house might in future remain altogether under the same monarch and defend and maintain the common security, she certainly did not intend that this union should lead to an incorporation, (verschmelzung.) Yes, it stipulated expressly for itself, even in the pragmatic sanction, the inviolability of the constitutional self-dependence of the country and of its legal independence.

Now, however, the acceptance of the February patent would make that danger more threatening than the October diploma, by its transgression of the limits of law and necessity in its circumscription of the common affairs, would have brought over us.

According to this patent numerous subjects fell into the sphere of a legislative corporation in which the representatives of Hungary, in consequence of their lesser number, would have been on every question dependent on the great majority of the representatives of other countries, and in this way those interests of ours which formerly, in regard to our own fatherland, were taken care of by our own legislature, would have become subordinate to the interests of other lands, * * * and differences and difficulties might often have arisen to give to the common legislature ground or pretext to draw into itself the greater portion of the whole legislative power.

In regard to administration, the February patent has placed the most important portions thereof, so far as concerns Hungary, in the hands of a body of officials entirely independent of our government, to which was also intrusted the direction of the other parts of the administration of the Hungarian government. Thus were created on the same ground, for the same citizens, two entirely different administrative powers. Can two such administrations in a constitutional state be inaugurated without endless clashings and perpetual discord? * * * To accept such annihilation of our constitution and self-dependent autonomy is forbidden to us by the most holy duty of the citizen. * * * * * *

In our address of 1861 we said that we would not hazard the existence of the monarchy. Such a purpose is as far from us now as ever. And as, according to our conviction, the October diploma and the February patent are not to be brought into harmony with the vital conditions of our fatherland, we shall strive to lay such a proposition before your Majesty as is suited to insure our constitutional self-dependence as well as the vital conditions of the monarchy. * * * * * * * * * *

In our second humble address to your Majesty in 1861 we declared "that there were single points among the provisions of the laws of 1848, which we, even under the inviolable maintenance of the rights of the people, wished to alter and more perfectly to develop." We also declared that "if your Majesty demands a modification of the laws in whatever part, the restored Diet would at once take into consideration all those propositions which in this regard the responsible Hungarian ministry of your Majesty would lay before us, and would communicate the decision to your Majesty." We declare ourselves ready still, so far as in regu-

lar way of legislative modification of any law may be necessary, to lay before your Majesty our proposals concerning the fundamental principles of our constitution. * * * It is the inmost wish of the Hungarian nation to be able to place the crown of the holy Stephen on the head of our hereditary king, that at last may be fulfilled what ominous events have for seventeen years prevented. * * * * * * *

Our political life is at present uncertain and wavering, and only your Majesty can put an end to these uncertainties by actually restoring our constitution, and sealing this restitution by the coronation. * * * * * * * *

We express our sincere thanks to your Majesty for summoning the Croatian-Slavonian Diet, that it might provide betimes for its due representation in the present Diet of our realm, (Reichstag.) We regard this as proof of the sovereign intention to maintain the integrity of the Hungarian crown and to effect the reintegration of our Diet of the realm. * * * But we do not conceal our anxiety * * * that Dalmatia is not mentioned in the speech from the throne. This country belongs in common with Croatia, and Slavonia to the Hungarian crown. * * * It is certainly not the wish of your Majesty that the so often, most solemn guaranteed integrity of that crown should in this respect be violated. * * * We thank your Majesty for the princely care with which your Majesty is providing for the relations springing out of the union of Hungary and Transylvania. The grounds of those relations was laid by those laws which in 1848 were enacted, in regard to the union of Hungary and Transylvania by common consent of both countries, and sanctioned solemnly by the royal approbation. But in this respect much remains to be done. * * * * * * * * * *

Your Majesty will allow us to beg and to hope that your Majesty will provide that the integral part of our country, Finme, which article V of the Laws of 1848 reckons to the Hungarian Diet, be represented at our said Diet. * * * *

Our country is still under absolute government. Our constitution, on the basis of which we must exercise the right of legislation, is suspended. * * * We possess no parliamentary government, no responsibile ministers; the municipalities, counties, districts, cities, have not yet recovered their constitutional position, and in all branches of the administration rules are absolute system. * * * We beg of your Majesty, therefore, for legal continuity in the sense of our laws, especially for our parliamentary government, a responsible ministry, and the constitutional re-establishment of the municipalities. * * * We are convinced that the appointment of responsible Hungarian ministers and the restoration of the municipalities are not inconsistent with the important common interests. * * * The responsible ministry would possess the confidence of your Majesty and of the country. * * * As by virtue of its official position it would come often into contact with the statesmen of the other countries of your Majesty, it would also help in this direction the solution of many difficult questions. * * * Should, on the contrary, your Majesty not fulfil our legal and equitable desire, and still maintaining the absolute system of government, refuse the re-establishment of parliamentary government and responsible ministry, then oppressive anxiety will again weigh upon our souls, and the wavering of our hope make it difficult for us to obtain that tranquillity of mind requisite for the solution of the different problems laid before us. Our present Diet was called upon the basis of a constitution guaranteed by the pragmatic sanction. Its task is to modify certain essential points of our laws, to crown the King of Hungary, and to found a more happy future for our fatherland. May your Majesty be graciously pleased to consider what a situation it would be if the country, at the very time when through its representatives it is exercising these constitutional rights, was in everything else outside the constitution.

Besides parliamentary government and a responsible ministry, the legal self-administration of countries, districts, and cities is a further essential requirement of our constitution. * * *

All the institutions of Hungary are inspired by the idea of self-government. This unites the best forces for support of public administration: this is often through publicity the surest control against abuses; this prevents the illegal encroachment of officials. In the course of our constitutional life it has saved our fatherland from the system which is in direct contradiction to the institutions of our country, and to its public life and customs. * * * The foundation-stone of our constitution is the law, its keystone to the royal power; to do homage to both is the highest duty of a citizen. This duty would only then be oppressive when on one side the law and on the other side the will of the king should come into permanent and irreconcilable opposition; * * * but the hope is assured to us that, although differences of opinion must sometimes arise, we shall never fall into such an incomparably painful situation.

Your Majesty will never demand from us any sacrifice not inexorably required by the common purpose indicated by the pragmatic sanction, and we shall faithfully do all that our duty and the common weal of the fatherland demand for securing this purpose.

Mr. Motley to Mr. Seward.

No. 149.] LEGATION OF THE UNITED STATES,
Vienna, February 27, 1866.

SIR: The debate on the address in the Hungarian Chamber of Deputies has just been closed.

The project of address was voted by a large majority on the 24th, and with scarcely any modifications. It is to be presented to the Emperor to-day. The translation of its most important passages, forwarded with my despatches of last week, will therefore give you entire possession of the basis on which the attempt is now to be made to reconstruct the constitutionalism of the Austrian empire.

If you have time, therefore, for observing the course of the important events now about to occur, I venture to recommend that document once more to your attention.

Francis Deák, by far the most influential personage now living in Hungary, and the author of that address, delivered a remarkable speech at Pesth on the 22d of February. The effect of that speech was to cause the withdrawal of the amendments proposed by Bartal and others to the project of address and to bring the debate to a close, although a great many members had inscribed their names to speak and had doubtless long orations already fully prepared. Perhaps this fact will strike you as no inconsiderable manifestation of Deák's power.

Were our own affairs less absorbing I should like to send you a translation of Deák's speech. I am sure you would admire it as a splendid specimen of rhetoric, full of warm and genial illustration, inspired by a wise and lofty Hungarian patriotism, and rich with legal and historical lore. The orator is looked up to as an oracle on everything relating to Hungary, past or present, and his style is energetic, vivid, almost poetical.

The effect of this harangue on his hearers is described as prodigious, the whole assembly breaking forth in ecstasies of applause, and refusing afterwards to listen to other speakers. But I forbear to send the oration, because, after all, the same topics are discussed by Deák from the same point of view in the project of address.

He pleads for a complete restoration of the constitution of Hungary, entire independence of the other countries under the sceptre of the King, and a responsible Hungarian ministry, before any further proceedings are attempted in the way of compromise. All this is on the ground that the King, who ought to take the initiative in such a transaction, can only deal with the Diet through ministers, and cannot become the lawful crowned King of Hungary until he has in an inaugural diploma, according to law, solemnly sanctioned and sworn to maintain the ancient historical constitution of the country.

The re-establishment of the laws and constitution is urged as regarding Hungary only and her King. When there is a king with responsible ministers, it will be possible to revise such Hungarian laws (those of 1848 especially) as need revising. It will also be possible to deliberate upon such schemes as the King may propose for determining what affairs are common to Hungary and to other countries under his sceptre, and for establishing some boards of control for the regulation of those affairs.

You perceive that dualism, pure and simple, is the most that can be obtained from Hungary, and there seems to be a disposition on this side of the Leitha to acquiesce in the result, such is the growing fear of the federalism of the Slavonic party.

A simile in Deák's speech of Thursday, likening the Austrian empire to a majestic arch resting on two stately columns which could not be brought nearer to each other without endangering the existence of the arch, meets approbation on both sides the Leitha.

Unfortunately, however, while the Hungarian column is ready—so soon as the architect has restored it from its present prostration—it is not so easy to see where the other monolith is to be found. It is easy for Hungarians to speak of two halves to the empire, but where is half number two? Moreover their half contains not much more than one-third of the whole population of the realm.

It would be premature to speak to-day of the bloodless revolution at Bucharest, news of which has but just reached us and will go to you by this steamer.

That Russia is supposed to figure as the *Deus ex machina* in any scenes enacted or to be produced in the Danubian principalities, is a matter of course. If there is a secret history to the fall of Cusa, it has not yet transpired, although sufficient causes for it are patent enough, and are doubtless known to you.

The acceptance by the Count of Flanders of the offer made by the provisional government at Bucharest would seem scarcely possible. A member of a royal Christian family can hardly accept the position of a vassal to the Sultan of Turkey, while if there be an attempt to constitute the principalities into an independent sovereignty, Russia will be difficult to deal with unless the new sovereign is of her imperial stock.

This miniature revolution may perhaps bring up the whole heritage of the "sick man" for general discussion once more.

Now that the Oriental question has been so suddenly sprung upon Europe, it is probable that the Emperor of the French will become more desirous than ever of being disembarrassed of Mexico.

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

P. S.—The Turkish government, on learning the news of the late events in Bucharest, immediately telegraphed to its ambassador at Vienna to protest against any infraction of the rights of the Porte as guaranteed by the treaty of Paris of 1856. The same protest has doubtless been made to all the other powers which signed that treaty.

So long as the sovereignty of Turkey in the principalities is maintained, it is of course impossible for the Count of Flanders or any other royal personage to accept the government of those provinces.

J. L. M.

Mr. Motley to Mr. Seward.

No. 152.] LEGATION OF THE UNITED STATES,
Vienna, March 19, 1866.

SIR: I transmit herewith a careful translation of the royal rescript or message, issued at Pesth, on the 3d of this month, in answer to the address of the Diet to the Crown on the 26th of February, a translation of which paper was sent with my despatch No. 146.

I deem it my duty to lay before you the text of these important official documents in the order of their appearance, as it is only thus that I can present a faithful picture of events now occurring and about to occur in this empire. The manifestoes from the Crown are drawn up with much ability, dignity and calmness, although the style of the state papers in the German language differs much from the diction to which we are most accustomed in English.

The documents proceeding from the Diet are learned, logical, full of eloquence, enthusiasm, and power.

I have delayed a few days sending you the royal rescript until the address

from the Diet should make its appearance, in order that you may take a simultaneous view of both.

This paper was reported to the Chamber of Deputies of the Diet at Pesth on the 14th of this month, and is essentially the same in spirit as the first address to which the rescript is a reply. It is at present only a "project," but it will unquestionably be adopted without change. I do not propose to send a translation of the whole document, which is very long, but shall content myself with giving you as accurate an idea as I can of its scope and spirit.

You will observe that not much advance has been made as yet on the part of Crown or Diet towards a compromise of their respective claims. Each occupies essentially the same position as at the opening of the Pesth assembly in December last.

You will also observe that the King of Hungary—as a matter of course—always speaks as Emperor of Austria, of which united monarchy he regards Hungary as a most important part. On the other hand, the Diet, thoroughly imbued with the national maxim that "*extra Hungariam non es vita*" always expresses itself as a parliament representing a self-dependent and entirely independent kingdom, treating of its own proper affairs with its constitutional king, and before all, and above all, resolute to recover in all its integrity a suspended constitution for which during seventeen years an absolute government has been substituted, and in this radical, almost elemental difference, lies, as you are well aware, the enormous difficulty of the situation.

The royal rescript, as you will observe, reminds the Diet that not only since the days of the pragmatic sanction, but for two centuries before, Hungary had been practically united for weal or woe with the hereditary domains of the imperial house, and that this union was one of mutual interest and common protection.

"The countries of the Hungarian crown constitute an important part of our united realm," says his Majesty, speaking not as king but as emperor, and reminding the Diet that the latest laws of Hungary, to wit, the famous statutes of 1848, are incompatible at present, until thoroughly revised, with the changed conditions and great material development of that united empire.

As he has recently endowed with constitutional rights the countries under his sceptre which were hitherto without them, the Emperor is far from desiring Hungary to sacrifice her legal and constitutional independence.

At the same time he expects her to keep that independence within the limits indicated in his speech from the throne, and not to be extended into isolation.

He awaits with interest the promised discussions of the Diet as to the mode of treating the common affairs, and is convinced that such discussions will prove the absolute necessity of revising and modifying the laws of 1848. Only thus can there be harmonious co-operation of the legislative and executive powers, since the arrangement contemplated by the third article of the statutes of 1848 make a successful treatment of the common affairs impossible.

That article presupposes a representative clothed with royal powers, and resident in Hungary; but his Majesty firmly declares that he will never consent to appoint such a representative.

He will likewise never consent to article No. 4 of those statutes, according to which the Diet can never be dissolved until the budget has been voted.

He indicates the impossibility of immediately revising the municipal system without great danger to the interior administration, because the laws of 1848 have made great changes in that system, which are not in harmony with present circumstances, not historic law, and must, therefore, of necessity, be most diligently and thoroughly revised.

The national guard, created by act 22 of the statutes, is declared by the Crown to be inadmissible, and, in general, the revival of these laws of 1848,

claimed by the Diet on the ground of legal continuity, is expressly refused before revision and satisfactory modification.

To permit their unconditional revival would be, in the opinion of the Crown, only to exchange one provisional condition of affairs for another.

The only practical application of the theory of legal continuity is declared to consist in the alteration of the laws, by the harmonious working together of all the branches of the Hungarian legislation.

The monarch, feeling deeply the significance of royal anointment and the holiness of the vow by which the crowned king swears to maintain the constitution, cannot consent to the restoration of such laws as conscience and religious sentiment would forbid him to confirm by his oath.

On the Diet is the responsibility to hasten the period when propositions can be laid before the sovereign which are in harmony with the rights of the Crown, and with the just requirements of the united empire.

The monarch will consider that the happiest moment of his life in which, by his royal confirmation of such propositions, he shall be able to secure the prosperity of Hungary and all the people in his realm.

It may be easily understood why the reading of the rescript was not often interrupted by enthusiastic "eljens."

Let us now see how the Hungarian Diet responded to the message, eleven days afterwards.

To that portion of the document referring to the treatment of the common affairs, and to a revision of certain portions of the laws of 1848, they reserve a reply until it shall be made in the general proposition on those topics already announced by the Diet as forthcoming. To that portion, however, which rejects their request in the first address, in regard to legal continuity, the appointment of a responsible ministry and the restoration of constitutional municipalities, they feel it their duty, without delay or reserve, to express their views, together with their profound feelings of pain.

"We begged your Majesty," they say, "for that which is doubtless the fundamental principle and the indispensable requirement of every constitution, that existing laws should be executed. We begged for this on the ground of our own constitution, according to the prescription of German law, and even by reason of its opportuneness. Our constitution has been suspended for seventeen years, our laws have been set aside and replaced by edicts, and we still are living under absolute power. The Diet was summoned to enact new laws, although the existing ones are not maintained, and to change an important portion of our laws at a moment when all our laws are actually put out of validity, not by legislation, but by executive power.

"Not only are the laws of 1848 suspended; not only those laws whose revision is demanded, but also all those earlier principal laws which determine the circle and the limits of the executive power, and form the most important part of the constitution."

They here indicate especially the statute of 1790–'1, which says that Hungary is an independent country, which possesses its self-dependence and its own constitution, and is to be ever governed by its own laws, and the article of the pragmatic sanction itself, which promises that his Majesty will always govern according to the laws of Hungary.

With deep regret they had already reminded the King, in their first address, that the united will of the King and the nation were necessary to alter that which the King, together with the nation, had ordained.

Their anxiety has been increased by the remarks in the rescript as to the only practical application of legal continuity. "The legislative power," they say, "is the most precious right of the nation. Most important and wholesome for a country it is that no laws can exist there save such as those to which the country has consented; but, in order that this right may be a reality, it is in-

dispensably necessary that the laws be maintained until the constitutional legislature has repealed or modified them in the regular way. If the executive power has the right to abstain from executing laws constitutionally enacted, to suspend their force, to replace them by edicts, and to keep law and constitution so long in suspense, as regular legislation had not altered them, then, indeed, will the executive power exercise likewise the right of legislation, that is to say, legislation and execution will be both in one hand.

"Your Majesty, as we believe, does not intend to maintain absolutism any longer; but this union of the executive and legislative, even if it were only provisional, is pure absolutism.

"Not such a legal continuity as this was founded by the constitutional principle, by the laws, by royal inaugural diplomas, and by princely oaths. True legal continuity regards not only the manner in which laws are enacted, but their execution and maintenance."

They then refer to many historical examples, in which the constitution of Hungary had been suspended, sometimes for years, but affirm that when restored it had always been without conditions and without modifications. Even the clause of the golden bull, legalizing disobedience to unconstitutional decrees of the Crown, was revived, together with the whole constitution, by Leopold I, in the year 1681, after a ten years' suspension; and examples to the same effect are cited in the reigns of Joseph II and Francis I.

In regard to his Majesty's appeal to the religious sentiment, the declaration in the rescript that the coronation is not regarded as a mere ceremony, and the conscientious scruples as to reviving certain laws, they say, "according to the fundamental laws of Hungary, it is not the crowned king only that is duty bound to maintain the laws, but every ruler who, according to the law of inheritance, ascends the throne is bound to maintain them before the coronation." And here they cite textually the laws of 1790–'91, and the articles of the pragmatic sanction.

"If this were not legally thus," they continue, "if the monarch were only bound after taking the coronation oath to execute laws already enacted, there would come an interval at every new succession to the throne during which the powers of the laws would depend entirely on the will of the monarch. With every succession it would be necessary to make a new contract with the sovereign, and thus from time to time constitutionalism and absolutism would alternately relieve each other. What we ask of your Majesty is not demanded on the ground of the royal oath to be taken at your coronation, but by virtue of that fundamental contract which has secured at the same time the unbroken succession to the throne and the inviolable maintenance of our constitution. We ask for it on the ground of that holy oath which your Majesty's ancestors have taken to this constitution. The royal inaugural diploma must, according to the law, be issued before the coronation, and in that document the monarch solemnly promises to maintain the laws already enacted or afterwards to be enacted. According to Hungarian law only the crowned king can sanction laws. So long as the coronation has not taken place, earlier laws are rightfully in force; contemplated changes only obtain legal strength after the coronation. If your Majesty does not in fact recognise existing laws, and if new laws cannot actually or legally be created before the coronation, the inaugural diploma, to be issued before the coronation, will have no object at all."

They protest that in their first address they have not asked for political impossibilities, but they have seen with pain that their whole petition has been unsuccessful, their wishes in no direction fulfilled. "The legal continuity is denied, even where it was not out of the regions of possibility. In a word, the restoration of our constitution has been refused, and we are called upon, under the burden of an absolute government, to exercise the constitutional right of legislation and to alter an important part of our fundamental laws, in the hope that

when it has been done according to the will of your Majesty, then, and only then, our constitution may be restored."

They further remind the sovereign that "in Hungary the collective rights of the King rest upon the law even as do those of the nation; that it is the law that has given supreme power to the Hungarian King," and that the King has no legal right to prevent the execution of existing laws.

In regard to the objections in the royal rescript that the municipal system has been altered by the laws of 1848, they say: "Yes, indeed, your Majesty, those laws have essentially changed the form of public administration; they have changed many ancient institutions, for they have transformed the aristocratic constitution of Hungary and have placed it on the broader basis of the legal equality of the people. The law-givers of 1848 understood the warning word of eternal justice; they did not strive against the demands of a progressive time; they did not await that certainly coming period in which their will would be no longer master. Many evils and dangers followed their resolves, but much greater are the dangers which their foresight has kept off from this country."

They affirm that bureaucratic forms of administration had been deleterious to the royal name, which had been often used as a shield to cover official injustice. The defects of the corporative government and their mischievous results came from the want of constitutional responsibility, and this want came from the corporative nature of the government.

"When accordingly," they continue, "the legislation of 1848 elevated the people and made them free, on the ground of legal equality, it wished at the same time to secure that constitutional freedom thus extended to the people and the thousand-fold interests of the legally new-born land. And even in regard to this security it was obliged to provide for a responsible government, in order that, in the hands of an irresponsible corporative administration, all that which had been founded by the united will of nation and monarch for the good of the fatherland should not go to gradual destruction."

They declare that history and experience teach that a responsible ministry and parliamentary government are absolute requirements of constitutional freedom, founded on equality of the people and on a system of popular representation.

"One of the fairest pearls of the Hungarian constitution," they say, "is the municipal system. It is an ancient institution, like our whole constitution. It has been evolved out of the life of the nation from the days of St. Stephen. The development of the national life brought about that transformation of the year 1848 which based our constitution on the equality of the people. After this transformation the municipal system could not remain an aristocratic one. That right of self government which inheres in the municipal system could never more be exercised exclusively by the privileged classes, but had necessarily to be extended to the people. The same reason which changed the form of the general administration caused all those alterations to appear necessary which have been made by articles XVI and XVII of the laws of 1848.

"The changes in the law of election were the necessary consequence of a system of national representation resting on a democratic basis."

They proceed accordingly to renew their request for the appointment of a responsible ministry, the restoration of the comitats, districts, and towns, for the reason already given in the first address.

The consciousness that in the very moment when they are called upon to perform the severest labor of revision, they are living under absolute rule, they declare to be paralyzing to their strength, disturbing to the tranquility of their souls.

"We prayed for legal continuity," they say in conclusion, "and for the restoration of our suspended laws, and our petition has been entirely rejected until the moment comes in which our severe task shall have been accomplished.

Once more we implore your Majesty to free us and the whole land from the oppressive anxiety that must remain so long as the actual recognition of legal continuity is not made."

I have thus given you in very abbreviated form the substance of this latest solemn utterance of the Hungarian Diet. I have given you, as faithfully as it can be rendered through three languages, some portions of the diction.

I do not mean to weary you at the end of this long despatch with comments which you do not require my assistance to make. "*Scribitur ad narrandum non ad probandum.*"

I will venture to say, however, that it would be difficult to find a flaw in the logic or in the legal and historical accuracy of the document, and I know not in what part of Europe you will find representatives of the people addressing a monarch in nobler, bolder, or more loyal language. But they speak as Hungarians only, and what is to be the issue?

Certainly but little progress has yet been made towards a compromise between the demands of Hungary and the constitutional requirements of the united monarchy.

We must await the project in regard to the common affairs soon to be offered by the Diet.

Meantime all the countries of the empire, on this and on the other side of the Leitha, remain provisionally under absolute government.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H SEWARD,
Secretary of State, Washington D. C.

[Translation.]

Royal rescript given at Pesth, March 3, 1866.

The assurances of true attachment expressed by the estates and representatives of the country assembled at this Diet, in their most humble address of the 26th of February of this year, we graciously accept and regard, as well as the grateful recognition of our paternal intentions, as a pleasing proof of their true confidence. In reply to this confidence, we also with unreserved openness give our answer to the wishes contained in their addresses, in regard to which the importance of the prevailing circumstances urgently requires a more detailed statement of our sovereign intentions.

With satisfaction we have taken notice of the agreement which has been arrived at in regard to the point of departure given in the pragmatic sanction for a resolution of the Diet.

The idea of the common interests and the common protection, as we see it represented in the address of the upper house, formed already nearly two centuries before the settlement of the pragmatic sanction, the principal motive of a lasting union between the kingdom of Hungary and hereditary countries of our sovereign house. We willingly concede that our hereditary countries have, through the more precise and durable establishment of this union, continued in the above-mentioned fundamental law, acquired an increased strength. But the inseparable union of all kingdoms and countries of our house secured the territorial stability and the national self-dependence of the kingdom of Hungary, and became also the most effective bulwark of its outward safety. Consequently, because the beneficial effect of this annexation was a mutual one, our efforts must be directed to durably securing its blessings, and therefore to regulate, in accordance with the spirit of the age, and in conformity with the principles of the pragmatic sanction, the relations which spring from common interests and a common protection. The countries of the Hungarian crown form an important part of our whole empire. The spiritual and material strength, the welfare, interior peace and security of the empire, depend upon the same conditions in the above-mentioned countries, and they are perpetually exerting a mutual influence upon each other. The great extension and perfection of the means of communication which bind the interests with thousand-fold cords to each other, increased this mutual operation, even without taking into account the far-reaching consequences of the removing of customs duties between the two countries.

These conditions, developed in the meanwhile, require so much the more a precise regulation; the more deficient are in this case the last-enacted laws of Hungary, which change indeed the inner administration of the country, but make either no provision or an in-

sufficient one for the necessary union with the other countries and kingdoms. But the inner nature of this task, and the most important interests of all our people, require that all which belongs together and stands in mutual operation should be unitedly and simultaneously brought to a settlement; therefore our duty as a regent, and the care for the true welfare of all our people forbids us to allow that, in our intended re-establishment and realization of the Hungarian constitutional institutions, those affairs should be left in suspense and uncertainty on the judicious and mutually satisfactory regulation of which depend the peaceful and prosperous unity of the different countries belonging to our monarchy, the development of their welware, as well as the security, the consideration and the power of the empire. For this reason we have called the attention of the estates and representatives of the land assembled at this Diet, in the first place to the common affairs and the manner of treating them; and the confidence which we placed in the understanding of the estates and representatives of the country has not disappointed us, for they agree "that such common relations do exist, and that their endeavors with regard to them and firm establishment and manner of treating these relations shall be directed to coming to such conclusions as shall answer the purpose, without endangering their constitutional and legal self-dependence."

To those countries which hitherto possessed no constitutional rights we have granted them. It is therefore far from us to demand that Hungary should sacrifice its constitutional and legal self dependence. We expect, however, and confiding in the understanding and clear comprehension of the interests of the land, we have a right to expect that Hungary will use its constitutional self-independence, the necessary limits of which we, in the spirit of the pragmatic sanction, prescribed in our speech from the throne, not to its own isolation, which only leads to weakness, but to promoting its real and enduring interests. The exercise of a justifiable influence on the common affairs forms, on the one hand, the surest guarantee of the legal self-dependence; and on the other hand, the beneficial effect of this influence will show itself unmistakably with regard to the welfare, security, and power of the empire. We shall therefore see with satisfaction the beginning of the deliberation of these questions, and we do not doubt that, in the course of the deliberation, the necessity of thorough examination and judicious modification of the laws of 1848 will become self-evident. The solution of the question of the common affairs is to be satisfactorily found, not simply in the fixation of the same, but requires necessarily a united mode of treatment which will secure them against every obstacle, as well that the foundation of a harmonious working together be laid, as well of the law-giving as of the executive power. Moreover, the modification of these laws is necessary, for the reason, as we have already explained in our speech from the throne, that some of our determinations of the 2d, 3d, and 4th of law violate our sovereign rights. Such a self-dependent action on the part of the governmental departments herein concerned, as was indicated by the 3d article of the law of 1848, without the requisite organic connection, excludes the possibility of a successful treatment of the common affairs. The possibility of execution of the form of government established in the 3d article is made to depend upon the representative invested with sovereign power mentioned in the 2d arttcle. The principle of the unity of the monarchy founded in the pragmatic sanction, the du ies of our sovereign office thence derived, as well as the personal feelings which we cherish n our paternal heart for our kingdom of Hungary, and which move us to exercise directly our constitutional rights as a sovereign, do not allow us ever to concede the appointment of such a representative, even as we cannot agree to that decision of the 4th article of law according to which the dissolution of the Diet cannot take place before the budget has been agreed to. We will not doubt that those motives which raised to so high a degree the enthusiasm, the attachment of the country for its constitutional rights, will still guide it where the inviolableness of the rights and authority of the Crown, which form the foundation-stone of the constitution, are concerned. Furthermore, we hold it inevitable to call the attention of the representatives in Diet assembled to those difficulties which oppose themselves to the immediate establishment of the municipal system, for the reason that, with regard to the innovations in the social relations which have taken place since then, it has become impossible to carry through, without endangering the necessities of the inner administration, those provisional decisions of the 16th and 17th articles of law of the year 1848 which were only calculated for the demands of the existing moment. The municipal system has, since the reign of the first Henry, through uninterrupted exercise, taken deep root in the life of the nation. The laws of 1848 have, in changing the form of government, without bringing it into harmony with this time-honored institution, created an opposition which can only be equalized on the ground of a thorough examination and discussion. We expect, therefore, that the estates and representatives assembled at this Diet will direct their attention to these affairs, and consider it as one of the first tasks to submit to us the result of their deliberations with regard to them. It is further of inevitable necessity that the 22d law article, which relates to the national guard, should be annulled. This legal determination during the short time of its existence imposed an unnecessary burden on the people, which it turned from its peaceful occupations, and instead of answering the purpose of sustaining the public security, rather produced contrary results. Furthermore, it is to be desired that all these provisions of the laws of 1848 which hitherto have not been put into operation by us should be carefully examined. These laws, which originated under the pressure of events which convulsed the world, bear a character of precipitation, as is to be proved not only by a theoretical examination,

but also by practical experience; for instance, with regard to the law of election, which has been twice tried. Hence, it follows that we cannot consistently with our duty as a ruler consent to an actual restoration of these laws, which is claimed on the ground of legal continuity, before they have been carefully examined, made suitable to the demands of existing circumstances, and perfected according to the teachings of experience. Not a momentary satisfaction, but the establishment of durable arrangements answering to the purpose, is the wish of our paternal heart. Our sovereign mission, as well as our duties to our people, forbid us to lead to a dissolution before the foundation of a future arrangement of the different branches of the public service, the existing organization, to check the wheels of the state machine, to exchange one provisional condition for another provisional condition, and in so doing, to extend into further circles the disturbance already begun in the minds of the people. The representatives of the country likewise feel the difficulties of such a transition, and, instead of bringing to bear the demands of strict legality, they declare themselves ready to take an equitable view of the circumstances. It depends on them to diminish the difficulties which, after re establishing their constitution, stand in the way of our paternal efforts, if they are inclined to apply an increased measure of this fairness of judgment to the present circumstances. No one was more persuaded than were we of the difficulties and obstacles which opposed themselves in more than one direction to the work of mutual understanding begun by us Nevertheless, with self-denial and firm resolve, greeted and accompanied by the trusting enthusiastic demonstrations of the country, we have trodden this ground on which we hope to be met by the ready support of the estates and representatives of the country, and as we shall share with the country the honor of the success, the weight of responsibility will fall on the country as well as on us Amid the present extraordinary circumstances we see the only possibility of a practical application of the legal continuity therein that the alteration of the laws has only to take place on the ground of a diet agreement, the attainment of which presupposes the working together of the authorized agents of the Hungarian legislation—an agreement justified by the testimony of history, whose pages repeatedly teach that a similar proceeding took place under like circumstances. This precedent appears the more worthy of imitation the greater the convulsion, the deplorable consequences of which it is now the aim of our common efforts to remove. In this way the agreement can be come to, the difficulties removed, and all those circumstances can be well ordered which must be made clear and regulated if we wish to close durably the source of future complications. We deeply feel the weight of the duties which rest on us; we feel the meaning which the state gives to the royal anointment and the sanction of the oath by which the crowned king vows the inviolable maintenance of the constitution; but because we do not consider the coronation as a mere solemn ceremony, we cannot consent to the establishment of such decisions, the inviolable maintenance of which our religious feelings, and consequently the voice of our conscience, forbid us to confirm by our oath. We are persuaded that the assembled estates and representatives will recognize in these our religious feelings the surest guarantee for the constitutional stability of the country. As this solemn act will, it is to be hoped, make an end of the oscillations of political life, we shall follow without hesitation the voice of our paternal heart, which is ever inclined to let mercy prevail, and we shall be able to exercise in full measure the noblest of our royal rights.

In regard to the request preferred for the completion of the Diet respecting Dalmatia, and those districts the summoning of which was ordered by the 5th article of the laws of 1848, we consider it as expedient to reserve a thorough treatment thereof, in which, in consequence of our royal rescript of 27th February, of this year, directed to the Croatian and Slavonian diets, the results of the transactions in those diets shall be placed before us, as these questions are in close connection with the fortunate solution of the pending legal relations of Croatia and Slavonia.

We have received with pleasure the assurance of the assembled estates and representatives that they will always, with regard to all classes of the population, without distinction of religion and language, be guided by the principles of justice and equity, and in particular that they will, with reference to the non-Hungarian inhabitants of the country, make use of all that, in the way of legislation, the common interests of the fatherland require. While sustaining the integrity of the country, we shall count it as one of our most agreeable tasks to promote all that can produce that result, the realization of which we, too, ardently desire, for we greet with lively joy the peaceful concord of all inhabitants of the country and the harmonious equalization of their interests, and we shall always be ready vigorously to promote it. It depends now on the energetic activity and wise care of the assembled estates and representatives at this Diet to accelerate that epoch when such plans can be laid before us which will bring into harmony our rights as sovereign, the authorized claims of our empire, and the just demands of the neighboring countries. We shall count that moment as the happiest of our life in which we shall be able to feel the reassuring consciousness that we have, through our royal confirmation of these plans, promoted the true welfare of Hungary and of all our people, and that we have laid the foundation-stone on which the increased welfare, strength, and security, as well as the might of our monarchy, can rise.

Mr. Motley to Mr. Seward.

No 157.] LEGATION OF THE UNITED STATES,
Vienna, April 1, 1866.

SIR: Since my despatch of last week the war has been coming gradually nearer and nearer. Nothing seems left now but a diplomatic rupture between Austria and Prussia, to be followed by a declaration of war and the commencement of hostilities.

As I have frequently observed in this correspondence, I can form no hypothesis according to which peace can be preserved, except by a shrinking back at the last moment of the King of Prussia, and a consequent change of ministers.

Of this there is no symptom, and the present prime minister of Prussia will certainly not recede from his warlike policy.

He means, it would seem, to annex the Duchies at all hazards, and Austria, much as she desires to avoid war, cannot permit the annexation.

I cannot too often observe that I wish only to write objectively.

My purpose at present is to throw all the light I can upon the actual state of affairs in Europe, and to abstain from any surperfluous commentary.

The moment seems to have arrived, in the opinion of those who at present guide the affairs of Prussia, for asserting the necessity of the aggrandizement of that kingdom, and of making its long-cherished dream of supremacy in Germany a fact. The present confederation is regarded as an obstacle to this project, and Prussia has therefore formally declared the insufficiency of the Bund, as at present constituted, to protect Germany from foreign aggression. It may be almost said that Prussia has in terms declared that she will no longer recognize the existence of the present Bund.

This appears from the remarkable circular addressed on the 24th of March, by the Prussian government, to the governments of the middle and lesser German states.

In this despatch it is stated that Austria has, without provocation from Prussia, ordered warlike preparations, (Rustunger,) threatening the Prussian frontier, which compels Prussia to take counter military measures, in order not see repeated the situation of the year 1850. The despatch instructs the different envoys at the courts of the middle and lesser German states to give the necessary explanations, in order that the preparations of Prussia may be comprehended in their true light. "Besides measures for momentary security," continues the circular, "the situation imperatively requires that the future should be steadily surveyed, and that guarantees should be looked for which will preserve for Prussia that security which we in vain sought for in an alliance with Austria—a security which was even threatened by Austria. Prussia's position, its German character, the German inclinations of its princes, lead Prussia at first (Zunachst) to seek for these guarantees in Germany.

"On the ground of German nationality Prussia will always at first attempt to find in Germany the assurance of national independence. Herein we are continually forced to recognize the truth that the Germanic confederation (Bund) in its present form is not sufficient for such a purpose, for an active policy.

"The regulations of the Bund cannot endure (estragen) the earnest antagonism between Austria and Prussia, cannot prevent or overcome the threatening rupture between them. We can feel no confidence in the effective assistance of the Bund in case we are attacked. In every attack Prussia is obliged to rely at first on its own strength, if the especial good will of individual governments belonging to the Bund do not put in motion measures for its protection, which in the regular course of proceedings by the Bund would come much too late. Prussia is at present in the situation to ask its associates in the Bund whether and to what extent it can reckon on their good will. The good will at present ting of several members of the Bund does not tranquilize Prussia in regard

to coming dangers, because the present situation of the Bund excludes the possibility of making that good will efficient. Therefore Prussia must strive for a reform of the Bund answering to the actual relations of things. Prussia is the more compelled to do this the less it obtains a satisfactory answer to the question just proposed.

"The interest of Prussia is by its geographical position identical with the interests of Germany. The situation of Prussia, if it is not sure of Germany, is much endangered. Prussia's fate draws after it the fate of Germany. After the annihilation of the strength of Prussia, Germany could without doubt only take a passive share in European politics. To prevent this is the holy duty of all German governments. The German Bund in its present form would not protect Germany in European crises from the fate of Poland."

Reserving further manifestations, the Prussian government in this despatch begs for the present only an answer to the above-stated question, whether and how far Prussia can reckon on support in case it is attacked by Austria, or should be obliged by unequivocal threats to make war.

This despatch was sent to all the Prussian representatives at German courts. It has also been communicated to the Austrian government, and it has been published. Certainly it would be difficult to use much plainer language.

Either a Bund without Austria or without Prussia.

The Germanic confederation, as such, must cease to exist. No Bund can hold two such antagonistic members as the great kingdom and the great empire.

A notice to quit the Bund on the part of Prussia unless the other States join her in the coming war with Austria. Such is the manifesto of Prussia.

On the 27th this despatch was read to the government of Bavaria, the most considerable German state after Austria and Prussia.

The answer of the Bavarian goverment to the above question, verbally but officially put by the Prussian envoy at that court, was to this effect:

"The Bavarian government will act in accordance with the law of the confederation and fulfil her duties to the Bund. The Bund law forbids every act of self-help or violence among members of the Bund, according to article XI of the Bund constitution. If a member of the Bund believes itself threatened by another, it is bound to appeal to the Bund assembly, and that assembly is bound to the maintenance of peace and guarantee of actual possessions, according to article XIX of the Vienna concluding act.

"That member of the Bund which attacks another is guilty of a breach of the Bund, (Bund Brüchig.")

That Prussia will pause in her present determination to annex the duchies, for fear of being pronounced guilty of breach of the constitution of the confederacy, is scarcely to be supposed. Her manifesto is almost a summons to each member of the confederacy to declare for one of the two belligerents. The immediate object would seem to be to force the hand of Austria and to obtain from her the first blow.

That Prussia is putting her army on a war footing is now publicly announced. That she is assured of assistance from Italy, and of the preliminary neutrality of France, I do not much doubt. Russia is the natural ally of Prussia, and will at least be, I think, neutral.

On the other hand nearly all the middle and lesser states of Germany sympathize with Austria and fear Prussia. Whether they, however, will draw the sword against Prussia, in case of a decree of the Bund against that kingdom, is still doubtful. It is not easy to see therefore how peace can be preserved.

"Although Austria, at the peace of Vienna, accepted in common with us," says the already cited Prussian circular of March 24, "the cession of the duchies from King Christian, who was in possession of the same, on the ground of the throne succession established in 1853, and recognized by Austria, yet the activity of the Austrian administration in Holstein has been directed towards surrender-

ing practically this province, belonging in common to the King of Prussia and the Emperor of Austria, to the Prince of Augustenburg, who has no right to the same, and whose claims were formerly decidedly contested by Austria herself."

Accordingly Prussia felt herself obliged to make, it is further remarked, friendly but firm remonstrances on this infraction by Austria of the convention of Gastein, and on receiving a negative reply on the 7th of February, from Austria, to the demands thus made in a spirit of conciliation, she has considered the alliance and intimacy between the two countries at an end, and has not thought it expedient again to break silence. "Every threat of war, however, lay as far from us then as now," says the circular. * * * * "Nothing has been done on our side to change the situation, and yet we see with amazement Austria suddenly making preparations for a great war, and at the same time making reproaches to us, as if it were we that intended breaking the peace. Numerous bodies of men with artillery and other materials of war are directed from the eastern and southern provinces of Austria towards the north and west, towards our own borders; the regiments are placed on a war footing, and soon a strong army will stand on our frontier, which is perfectly bare of any counter preparations."

To this Prussian circular, likely to be a memorable one in European history, of the 24th of March, Austria has answered by the following despatch, addressed to the Austrian envoy at Berlin:

"It has come to the knowledge of the imperial Austrian cabinet that the government of his Majesty the King of Prussia, in order to avert from itself the responsibility for the existing anxieties as to an endangerment of peace, has attributed to the imperial court hostile intentions, yes, has even indicated the eventuality of a threat to the Prussian monarchy through an aggression on the part of Austria. Although the groundlessness of such a subterfuge (unter stellung) is notorious throughout Europe, the imperial cabinet must, notwithstanding, take pains in presence of the royal cabinet to enter an express protest against an accusation so perfectly at variance with the evidence of facts.

"The undersigned has accordingly received instructions to declare to Count Bismarck, in all form, that nothing lies further from the views of his Majesty the Emperor than an offensive demonstration (auftreten) against Prussia. Not only the so many times by word and deed exhibited friendly inclinations of the Emperor for the person of his Majesty the King as well as for the Prussian state, exclude decisively every such intention, but the Emperor is mindful also of the duties which Austria, as well as Prussia, has solemnly assumed by the treaty of the German confederation. His Majesty the Emperor is firmly resolved on his part not to put himself in opposition to the provisions of article XI of the Bund act, which forbids members of the Bund from pursuing their disputes by force.

"While the undersigned requests the minister president to lay the present note before the King, he has to add the expression of the hope that the royal cabinet will find itself induced, in as decided and unequivocal manner as he has now done in the name of the imperial government, to repel the suspicion of an intended breach of the peace, and thereby to restore that universal confidence in the maintenance of the internal peace of Germany which it ought never to be possible to disturb."

This note, as you will perceive, is brief and to the point. It is an announcement on the part of Austria of its determination to refer the existing dispute to the decision of the Bund, according to the provisions of article XI.

On the answer of Prussia to this notification depends the issue of peace and war.

Austria and Prussia combined in 1863 in taking the Schleswig-Holstein matter out of the hands of the Bund. Will Prussia do the same? If so, she sud-

denly changes the whole course of her policy. The answer cannot be long delayed. The crisis would seem to be at hand.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

[Extract.]

No. 160.] LEGATION, OF THE UNITED STATES,
Vienna, April 10, 1866.

SIR: Affairs between Prussia and Austria remain as at the date of my last despatch.

The answer of the Prussian cabinet to the Austrian note of 31st March, was communicated by Baron Werthen to the Austrian minister of foreign affairs, on the 6th of this month.

Doubtless the text of this note will be published in all the journals of the United States, and will have met your eye before this despatch can reach you.

I shall therefore simply state that its tone is not conciliatory, although it expressly disavows an intention on the part of the Prussian government of making an aggressive war upon Austria.

The greater part of the paper is occupied with recriminations. It distinctly charges Austria with making great preparations for an attack upon Prussia, charges which the imperial royal government had already most emphatically denied.

"Anxieties for endangerment of the peace," says Count Bismarck, "have sprung exclusively from the fact that Austria, without any recognizable cause, has been since the 13th of March moving considerable masses of troops in a threatening manner towards the Prussian frontier. No explanation whatever of the motives for these extraordinary proceedings has been given by the imperial government since the assertion that the Jew note* had made these armaments necessary, is contradicted by the extent of these warlike preparations as well as by the localities in which the reinforcement of troops have been stationed on the Saxon and Prussian frontier, where the safety of the Jews has never been endangered."

The note then expresses surprise (somewhat ironically, as it is thought here) that Austria had not at once taken shelter under article XI of the Bund act, to which Count Karolyi refers, if she considered herself threatened by Prussia.

"The secrecy in which the warlike preparations of Austria have been shrouded," proceeds the note, "and the attempt to make their extent, which is very well known to the royal Prussian government, appear less than it is, only strengthened the natural impression that the imperial troops which have been daily accumulating on the northern frontier of Austria are intended for an aggressive hostile enterprise upon Prussia."

The minister goes on to say, that notwithstanding all these proceedings, Prussia has delayed its counter preparations for two weeks, in order not to endanger the peace, and had taken them only when the number of Austrian troops concentrated on the border had made the safety of Prussian territory dependent upon the decisions of the Vienna cabinet.

"If the imperial government has not the intention of attacking Prussia," says

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* This alludes to disturbances which have lately taken place in Bohemia, during which many houses of Jews have been destroyed and other disgraceful excesses perpetrated.

the minister, "the royal government is at a loss to perceive why Austria took these warlike measures."

The note concludes by repelling the suspicion that Prussia contemplates "in the situation as it thus far exists, (in der bisherigen Lage) any disturbance of the peace, and by the declaration that nothing is further from the intentions of the King than aggressive war upon Austria.

"As to the benevolent sentiments which influence his Majesty the Emperor towards the Prussian state, it would not be difficult for the imperial government to find an opportunity of expressing them by actions."

These are the last words of the note.

They obviously refer to the Austrian administration of the duchy of Holstein, the hostile character of which towards Prussia formed the subject of the last note addressed by the cabinet of Berlin to that of Vienna. That note was written on the 26th of January; was answered by the Austrian government on the 8th of February, since which time the correspondence has been considered as closed.

That Prussian note of 26th January was published for the first time in the Frankfort Gazette of 6th April. It is probably destined to have so much historical value that I shall venture to call your attention to a few pages of it, by which, as well as by the exasperated tone of the whole document, you will perceive the full gravity of the situation. You will see that the quarrel is a deep-seated one, very difficult to arrange without blows.

Prussia is undoubtedly the legal co-sovereign of both the duchies. Since the treaty of Vienna of 1864, no one else in the eyes either of Prussia or of Austria has any claim to that sovereignty save the monarchs of those two countries.

Prussia considers that her joint sovereignty is endangered by the presence of the Prince of Augustenburg and his adherents in Holstein; while by her famous ordinance of 11th March, such disturbers of her rights would, in Schleswig, be put into the penitentiary for ten years.

She also complains that Holstein is made the place of assembly for democrats and revolutionary agitators from all parts of Germany, whose schemes are directed expressly and openly against Prussia.

"It seems almost inconceivable that it has come to this," says Count Bismarck, "if we look back on the days of Gastein and Salzburg. I could then assume that his Majesty the Emperor of Austria and his ministers looked as clearly as we did at the common foe of both powers, the revolution."

For that reason both governments went hand in hand, in regard to the proceedings in Frankfort, against the revolutionary party.

"The present attitude of the imperial government in Holstein has a very different character," continues the note; "we must describe it in straightforward terms as an aggressive one. The imperial government does not hesitate to lead into the field against us exactly the same means of agitation as it was willing to give battle to in common with us at Frankfort."

The minister proceeds to say that the only difference between the mass-meetings, under democratic leaders in Holstein, and the previous demonstrations at Frankfort is that the imperial stadtholder in Holstein could have put these agitations down much more easily than the senate at Frankfort could have suppressed the similar troubles in that city, and that the agitators in Holstein had a more distinct purpose, and were more directly and ostensibly hostile to Prussia.

The minister says that if the Vienna cabinet can look quietly at this conversion of the eminently conservative province of Holstein into a focus of revolutionary intrigues, "we, on our side, are resolved not to do so." * * *

"I leave it to be imagined what impression such conduct as this, in peace, of his ally in war must make upon his Majesty the King, and how painfully it

must move him to see revolutionary tendencies, hostile to every throne, unfolded under the protection of the Austrian double eagle."

The minister instructs his envoy at Vienna to "say all this expressly to Count Mensdorff, and to beg him to bring it to the notice of his imperial master."

He speaks of the necessity of making impossible for the future the insults against Prussia in the press and public meetings of Holstein, and especially of suppressing the influence of the so-called court at Kiel,* which is a standing protest and assault against both the Austrian and the Prussian sovereignty.

He observes that a negative or evasive answer by Austria to these complaints and propositions will carry conviction to the Prussian government that Austria is no longer willing to travel the same road with Prussia.

"We must then," he adds, "obtain full freedom for our whole policy, and make that use of it which we consider adapted to the interests of Prussia."

This despatch was answered by Austria on the 8th February. That answer has just been published. It is a calm and courteous but decided refusal to comply with the demands of the Berlin cabinet in regard to the administration of Holstein, and contains a general defence of the Austrian policy against the charges of Prussia. Count Mensdorff calmly states that "the imperial government is subject, according to the convention of Gastein, to no control in its administration of Holstein. It is not the only proprietor of sovereign rights there, but the manner in which they are to be exercised is left to its own free discretion. As everywhere else, so also in the north, it represents the high conservative interests of Germany. The same independence of action which Austria claims in Holstein she leaves to Prussia in Schleswig."

In reply to the charges of the Prussian government as to the revolutionary agitation in Holstein, the note observes: "If the complaints against us are to the effect that through our lukewarmness and passiveness the monarchical principle in Holstein has suffered damage, the conservative sentiment which has ever distinguished the Schleswig-Holstein race been metamorphosed, and the subject-matter of future arrangement deteriorated, then the conscience of all Europe will, in common with us, repel this accusation; for all Europe knows that the political endeavors which are now the leading ones in Holstein are the same as existed at the time of the Gastein convention and long before that epoch—the very ones out of which the resistance of the duchies to Denmark derived their strength."

In regard to Prussian charges as to the "Altona excesses," the Austrian minister observes, "how could the Prussian cabinet expose itself to the ready reply that it was exactly Prussia which refused to propose a prohibition of such popular assemblages as took place in Altona, for the whole territory of the Germanic confederation?

"Had such a regulation been issued by the Bund there would not have been wanting a fixed rule in Holstein, and the royal government would not have been limited to demand from us the reintroduction of those Danish ordinances, the presence of which the duchies most complained of, and which we did not find in practical operation when we assumed the administration of Holstein."

The minister then gravely defines the relative position of Prussia and Austria to each other.

"The Emperor," he says, "laments this whole polemical discussion. It is difficult for his Majesty to believe that King William will take his measure for the value which the Emperor lays upon his relations to Prussia from Austria's consent or non-consent to the wish for the annexation of the duchies to Prussia. So one-sided an assumption must certainly lie very far from the

* The Prince of Augustenburg and his adherents.

King's thoughts; nevertheless the royal government speaks to us as if our so natural refusal to allow this annexation to be completed could only be explained as a return to a policy of destructive jealousy and rivalry; yes it speaks as if it had been deserted by Austria in its battle with the common enemy, the revolution, and thereby prevented from carrying out its will to travel in future on the same road with us. Would that the royal government were willing to take an unprejudicial view of the latest events. If it looks at Germany's position, the fact must meet its eyes that we, far from wishing to form a coalition against Prussia, have decidedly placed our relations to the middle states below our alliance with Prussia. Yes, we have gravely prejudiced those relations, as this is made manifest by the retaliatory recognition of the kingdom of Italy. If Prussia casts its eyes on the relations between the European cabinets, she must acknowledge that we have nowhere sought to act upon Prussia by external pressure, and even the activity of our ambassador in Paris, which is so much scoffed at in Berlin, has always had the aim to strengthen France in its policy of reserve in the Schleswig-Holstein question." * * * *

"I repel, therefore, with firm conviction the reproach against the imperial cabinet that in its sentiments or actions is to be found the reason why the common policy of the two powers, so earnestly desired by Count Bismarck's concluding words, cannot be realized."

You perceive from this exchange of opinions that Prussia and Austria are in rivalry with each other as to which least deserves the reproach of permitting public manifestations of sentiment in Germany, and as to which is most active in suppressing popular assemblages, public discussions, and putting down what is considered by both governments the common enemy of Europe, democracy.*

I give you these statements as they are printed. There is no need of my discussing them academically from our American point of view.

The effect of this note was to terminate all diplomatic correspondence between the two governments until the Austrian note of the 31st of March, which was regarded almost as an ultimatum, was answered by the note received in Vienna on April 6.

If one ponders well the deliberate, well chosen, yet acrimonious language of the Prussian communications, especially that of 26th of January, one sees the expression of a fixed resolve—the annexation of Schleswig-Holstein at all hazards.

It seems, therefore, almost idle to talk of a specific arrangement as long as the present prime minister of Prussia holds his place. He is daring, firm of purpose, fertile in resource, and possesses almost boundless influence over the king.

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The note just received has given no satisfaction to the government here.

The exasperation against Prussia is as great as it can possibly be.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—In an interview with Count Mensdorff since the above was written, I learn that an answer to the Prussian note received here April 6th was sent by the imperial royal government yesterday. Its tone is described to me by the minister as less conciliating than that of previous notes, and the various complaints against the Prussian government have been placed very strongly on record. Much weight is laid in this note on the Prussian secret arrangements with Italy, and the royal cabinet is summoned to disarm, if it really means to

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* See postscript to this despatch.

keep the peace. No result, however, is expected from this communication, and there is absolutely no change in the situation.

A sudden blow is not expected, I find, by this government, as the King of Prussia has personally stated his unwillingness to adopt such a course. Meantime, Prussia made yesterday a formal proposition to the Diet at Frankfort to summon a German assembly, to be elected from the whole German people by direct votes and universal suffrage, before which propositions for a reform of the Bund are to be made by the different German governments.

Such was the information received here by the Foreign Office last night by telegraph. Of course it is premature to say anything upon the subject to-day.

Mr. Motley to Mr. Seward.

No. 162.] LEGATION OF THE UNITED STATES,
Vienna, April 17, 1866.

SIR: No answer had been received up to last night from the Prussian government to the note of the Vienna cabinet of April 7. The spirit and tendency of that note I stated to you in my despatch last week, No. 160, of date April 10, from official information.

In this morning's paper there is a semi-official Berlin telegram, stating that the Prussian answer had been sent to Vienna day before yesterday. If this is true, the note ought to be handed in to-day, and perhaps I shall be able to learn the character of it in time to send you a line via Queenstown to-morrow.

Affairs are approaching a crisis. Meantime let me recall, in a few words, the steps which have been taken up to the present moment, and which I have narrated in full detail in previous despatches.

On the 26th of January of this year Prussia notified Austria that Holstein had become a nest of democrats, intriguers, and revolutionary agents, "under the protection of the Austrian double eagle." Especially the court of the Prince of Augustenburg at Keil was described as a standing protest against the co-sovereignty of Prussia and Austria.

Austria replied, on February 8, by calmly but firmly repelling all right of Prussia to interfere with the administration of Holstein, and disclaiming on her part any power to meddle with matters in Schleswig. Thus for a time closed the correspondence between the two powers.

Prussia at once issued in Schleswig the famous penitentiary ordinance against the Augustenburg intrigues.

On the 26th of March she issued a circular to her representatives at the German courts, requesting information as to what each German government would do in case Prussia was attacked or should find herself obliged by impending danger to make war herself, insisting on the fact that the Bund as at present constituted was not strong enough to hold Prussia and Austria both, and enlarging upon the warlike preparations of Austria. The answer from the principal courts of Germany, briefly or lengthily, as the case might be, was a reference to Article XI of the Bund law.

On the 31st of March Austria declared solemnly that she was making no warlike preparations of any kind, and had no idea of attacking Prussia.

On the 5th of April a reply to that note was received in Vienna from Prussia, repeating the accusations as to the Austrian armament, the massing of troops on the Prussian frontier, the great extent of which military operations she declared to be well known to her, however much they might be denied. These measures had made her military preparations absolutely necessary in order to prevent her from being taken by surprise. She added that the King had no thought of attacking Austria.

Austria replied immediately in a despatch to her minister at Berlin. Her note, dated April 7, was warm and indignant. Although it was almost beneath her dignity, she said, to deny accusations which she had so often denied, she once more proclaimed as contrary to truth all statements upon which the Prussian government had based accusations against her of warlike intentions. For the first time she hurled counter accusations at her antagonist, and with much bitterness alluded to the extensive and avowed military preparations of Prussia, to her secret negotiations with the court of Florence against Austria, to her avowal of a determination to annex the duchies, peaceably or forcibly, to the statements of the Prussian prime minister that war was inevitable, to his denial on the 16th of March of an intention to break up the Gastein convention by force, coupled with a declaration that the denial was null and void. "All this," said Count Mensdorff, "must be mere delusion, and to the realm of reality must belong only those threatening masses of Austrian troops which, since the 13th of March, (it is the Prussian cabinet that gives the exact date,) have been moved to the Prussian frontier." "If the note of Baron Werther is correct," says also the Austrian minister, "then Europe during the last few months must have been in a painful dream." He expressed satisfaction at the declaration of Prussia that the King was meditating no attack, and ended with these words to the imperial minister at the Prussian court:

"We now are expecting the information (which we regretted not to find in the note of the Prussian minister) that the order of mobilization issued by Prussia on the 28th of March will remain unfulfilled. You will request from the minister president of Prussia a satisfactory communication on this subject without delay, as the imperial cabinet cannot, without heavy responsibility, remain indifferent to a longer continuation of the military preparations of Prussia. You will leave with him a copy of this despatch and apprise us of the result by telegram."

This you perceive is a peremptory summons. No answer was received up to April 16.

The delay has been attributed to a note of the Bavarian prime minister, urging the Vienna and the Berlin cabinets to a pacific arrangement by means of the Bund. Meantime the Austrian note, which I have just been analyzing, was published yesterday —nobody knows how— in the Cobourg Gazette. Its publication it is thought must complicate matters, for it is now known to the world that Austria has categorically summoned Prussia to disarm. Certainly the chances of peace have not improved.

The Prussian proposition, recommending a reform of the Bund, mentioned in my last despatch, is not likely to lead to a direct result. It may be considered as an indirect means of forestalling a possible appeal of Austria to Article XI of the Bund law.

If Austria calls on the Bund by virtue of Article XI to take warlike steps against Prussia as guilty of a breach of Bund law, Prussia will accept this as a declaration of war. War can now be escaped in one of two ways. The other German powers may refuse or hesitate to aid Austria with their troops in war against Prussia. In that case Austria will make peace with Prussia, and Prussia will get the duchies; or the King may accept Count Bismarck's resignation and refuse to fight for the duchies. In that case the war would be postponed. Neither of these events seems to be very probable.

Arbitration or mediation by foreign powers seems also improbable. Prussia makes no secret of her determination to annex the Duchies. If she will not give up that project in deference to the Bund she is not likely to submit to foreign powers.

I have the honor to remain, sir, your most obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 163.] LEGATION OF THE UNITED STATES,
Vienna, April 18, 1866.

SIR: I send a postscript, via Queenstown, to my despatch of yesterday, to say that the Prussian answer to the Austrian despatch of 7th April was handed to Count Mensdorff yesterday, and to give you authentic information, in a few words, as to its tone and purport.

The note insists once more upon the fact of the Austrian military preparations, notwithstanding the repeated denials of the Vienna cabinet repels the severe censures against the Prussian government contained in the note of the 7th April, and indulges in recriminations. In this part of the despatch the language is acrimonious.

No direct reply is given to the demands of the Austrian government upon that of Prussia to countermand the mobilization orders, but an indirect answer is contained in an intimation that if Austria is not desirous of war it is for her to take the initiative in disarming.

On the whole, the language of the paper is more moderate than was expected by this government, and the door is not definitely closed against further negotiation.

The great matter in dispute, Prussia's avowed determination to annex the duchies, peaceably if possible, forcibly if necessary, is not touched upon, and the principal effect of this new communication will probably be to postpone for a time the decision.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 166.] LEGATION OF THE UNITED STATES,
Vienna, April 25, 1866.

SIR: Since my last despatch two steps have been taken in the Prussian-Austrian quarrel, and apparently in the direction of peace.

Immediately after the arrival of the Prussian despatch of 15th April, (mentioned in my No. 163, of April 18,) intimating that Austria should take the initiative in disarming, a proposition was made by the Bavarian government to Austria and Prussia that the two governments should disarm simultaneously.

This was at once accepted by the cabinet of Vienna, and a statement to that effect, dated 18th April, was communicated to the Prussian government through the imperial envoy at Berlin. A reply from the Berlin cabinet was given to this government on the 23d, through the Prussian envoy at the imperial court.

This despatch, dated 21st April, authorizes Baron Werther to say that the armament in Prussia had been caused by the threatening demonstrations and movements of the Austrian army near the Prussian frontier; that the king will readily undertake to discontinue his preventive measures as soon as, and in the same proportion as, the causes which produced them shall be removed by the imperial government; that the royal government accepts with satisfaction the proposition contained in Count Mensdorff's despatch of the 18th April, and that so fast as the King receives authentic information that the dislocations establishing a readiness for war against Prussia have been reversed, he will order the reduction of those Prussian military forces which have been increased since the 27th of March.

The Prussian government, in brief, will keep exact pace with Austria in disarming, and expects that all the other German governments will countermand their warlike measures, and that Austria will use its influence with them in that direction in the interest of peace.

You will observe that the tone of this last utterance from Prussia is more moderate than that of any of the late communications of that government.

It cannot be said, however, that the despatch has done very much to tranquilize the imperial government or the public mind. The day on which it was received happened to be signalized by very alarming rumors from Italy. Not only were exaggerated statements made of military preparations and movements of troops towards the Venetian border, but circumstantial accounts of positive conflicts near Rovigo were circulated.

The official Vienna Gazette of this morning declares all these rumors to be destitute of foundation, and announces perfect tranquillity as existing in the whole Lombardo-Venetian kingdom.

Nevertheless the southern army of Austria, in view of apprehended danger from Italy, is placed on a war footing.

It is superfluous to say that the Italian movements, whatever they may be, are considered here to be directly connected with the Prussian arrangements, and that the fact of the arming of Austria in the south may be interpreted by Prussia as an indication that the imperial government is prepared for a general war.

The situation is not thought to be materially improved. Obviously the great causes of conflict, the desire of Prussia to annex the duchies and the general German question, has not been touched in the recent correspondence.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Motley.

No. 179.] DEPARTMENT OF STATE,
Washington, April 30, 1866.

SIR: Your very interesting despatch of the 10th instant, No. 160, which treats of the affairs between Austria and Prussia, has been received. It is very lucid, and your conclusion that war is inevitable would seem to be just. On the other hand, I hear from Paris that the controversy is there understood to have been very recently adjusted. Should this happily prove to be the case, the change of the situation must undoubtedly have come from the resistance of popular interests in Prussia to the war policy of Count Bismarck.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

Mr. Motley to Mr. Seward.

No. 168.] LEGATION OF THE UNITED STATES,
Vienna, May 1, 1866.

SIR: The slight gleam of hope which was indicated in my despatch of last week vanished almost instantaneously. As already intimated, the arming of Austria as against Italy was at once considered by Prussia as sufficient reason

for not reducing her own armaments, according to the agreement which had just been made between the cabinets of Vienna and Berlin.

A remarkable article appeared in a semi-official journal of Berlin, called the North German Universal Gazette. In this it was very vigorously argued that in view of the armaments of Austria in the south it had now become necessary for Prussia to increase her own warlike preparations, instead of revoking them. Unless Austria would at once place her southern army on a peace footing, no time was to be lost by Prussia in taking defensive measures. That southern army might be used at any moment against Prussia instead of Italy, for Italy had shown no intention of attacking Austria.

Moreover, it would be impossible for Prussia to look on quietly while that very Italian army, on which Prussia might probably rely in case of a war between herself and Austria, was rendered incapable of doing damage to the common enemy.

This manifesto, in a journal believed to be in the confidence of the Prussian government, of course made a great sensation.

It was believed to be a forerunner of more positive and direct communications. Meantime, Prussia is continuing to arm against Austria; Austria continues to arm against Italy.

And now Italy officially announces that in consequence of an expected aggression from Austria, she is taking the military measures which she had previously denied.

If there ever was a power in the world which most earnestly desired peace, and was determined to attack nobody unless absolutely compelled to do so, it is Austria.

Yet she is accused by Prussia on the one side, and by Italy on the other—the one determined to obtain Schleswig-Holstein, the other Venice—of bloodthirsty intentions, although it is impossible to imagine what she could gain by a war.

Her position of wolf between these two lamb-like adversaries is altogether unexampled in history. *Inter audaces lupus errat agnes.*

There is little need of writing more to-day.

I have always believed in the imminence of a war because I could form no probable hypothesis on which peace could be preserved.

Of course Austria could abandon Schleswig-Holstein to Prussia, but that seems now to have become impossible.

She could sell Venice to Italy. Of that she will never dream.

There is a talk of a congress, to be proposed at the last moment by the French Emperor, in order to prevent war. But is it imaginable that Prussia will allow a European congress to dispose of her claims on Schleswig-Holstein, or that Austria will submit its Venetian possessions to its fiat?

There was a story in London that the Emperor of the French had written an autograph letter to the Emperor of Austria, offering to guarantee that Italy should not make an attack, if Austria would place her southern army on a peace footing.

This is entirely untrue. It is even suspected in diplomatic circles here that a despatch from the Berlin cabinet, in the sense of the above-mentioned article of the Prussian semi-official gazette, has been sent to the Prussian envoy here, but has not yet been officially communicated to the imperial government.

The language held by the Prussian government is unquestionably in accordance with that manifesto.

I think there is no one now that entertains much hope of peace. Prussia and Italy appear determined to accomplish their objects, at the risk of war if necessary.

Whether there is a treaty of alliance actually signed between those two powers does not seem a very vital question. It is an alliance which makes itself.

I suppose no one could doubt that if Prussia and Austria were actually at war, Italy would strike a blow for the possession of Venice.

The Austrian five per cents. have fallen within a week from 57 to 51, and other stocks in the same proportion.

The agio on gold has risen four or five per cent. in the same interval.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 172.] LEGATION OF THE UNITED STATES,
Vienna, May 9, 1866.

SIR: I write only a few lines to make record of the successive steps taken since my last towards the impending war.

On April 26th two communications were made by the Austrian to the Prussian government. The one related to the disarming propositions, and, together with the negative reply to it on account of the Austrian armaments against Italy, has already been mentioned by me. The other proposed a definite solution of the question of the duchies. To this no formal answer has yet been returned.

On the 27th April Prussia instructed its minister at Dresden to demand explanations as to the military preparations of Saxony, and to intimate that if they were not satisfactory Prussia would take such measures as she might consider necessary.

On the 29th April Saxony replied (by a note from its minister of foreign affairs to its envoy at Berlin) that its measures are only defensive and in order to enable it to comply with such decree as the Bund may issue. Article XI forbids hostilities between members of the Bund, and requires them all to submit their quarrels to its decree. What Saxony has done in the way of arming is in order that in her appeal to the Diet for protection against Prussia, she herself may not be found a defenceless but an armed member of the confederation.

This reply being declared unsatisfactory by Prussia, with the announcement that she would now carry out the measures threatened by her, and that the diplomatic correspondence was closed, the Saxon minister at Frankfort made, on the 5th May, this motion to the Diet:

That the Diet would, without delay, resolve to demand of the Prussian government that, by appropriate declaration on its part, full satisfaction might be given to the Bund in regard to article XI of the act of confederation. This motion is to be voted upon at Frankfort to-day, (May 9.)

It is understood that six Prussian corps, amounting in all to 220,000 men, are nearly ready for action.

The military preparations of Austria are on the most extensive scale.

It is expected that the first conflicts in the north will be for the possession of Dresden.

It is not doubted here that Italy will make soon an attack.

The late financial measure of the government is the most decisive proof of any, perhaps, as to the imminence of the war. It had been arranged that the bank should resume specie payment at the end of the current year.

The government has now decreed that bank notes of the denomination of one florin and five florins, now in circulation, should be struck from the books of the bank and become government notes, for which the government is responsible.

This will amount to about one hundred and fifty millions of florins, as a fund to begin the war. On the other hand, the bank has a right to issue a corresponding

amount of its notes in twenties and larger denominations. Thus about one hundred and fifty millions may be added to the currency at once.

The consequence is that the premium on gold, which two months ago had almost entirely disappeared, is quoted to-day at 28, and is rising every day.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 175.] LEGATION OF THE UNITED STATES,
Vienna, May 16, 1866.

SIR: I have the honor to acknowledge the receipt of your No. 178, of date 23d April, relative to German affairs.

Referring to my No. 172, of date of 9th May, I have to state that the vote taken on that day in the Diet at Frankfort resulted in a majority of ten to five for the motion made by Saxony.

The next step will probably be a declaration by the Bund that Prussia is guilty of a breach of the Bund, (Bundesbruchig,) and a decree to enforce article XI against her. This would naturally be followed by the occupation of Saxony by the troops of the confederation unless Prussia herself should anticipate that movement. In either case it would be the beginning of war.

The accounts thus far in regard to the position of Hanover are conflicting. At the above-mentioned session of the Diet she voted with the majority against Prussia. This is supposed to have somewhat surprised and offended that power. Prussia, in consequence, addressed to Hanover a summons of a threatening nature. Since then a statement needing confirmation has appeared that a treaty between Hanover and Prussia has been made by which Hanover receives a guarantee of her territory and promises assistance to Prussia in the coming war, or at least neutrality.

A glance at the map of Germany shows the great importance of Hanover by reason of its geographical situation.

Mecklenburg, Electoral Hesse, and the Hanse Towns voted with the minority on the 9th.

So far as concerns the German part of the impending struggle, much depends on the attitude of the southwestern powers, Wurtemberg, Baden, and Bavaria.

I think that Austria relies with confidence on their support. They will, no doubt, faithfully aid in carrying out the decrees of the Bund, so long as it can be said to exist. But should Prussia in formal terms declare the Bund as no longer existing, it would seem possible that the southwestern States might content themselves with a position of armed neutrality in a war between Austria and Prussia.

I ascribe no very great importance to the suggestions of a congress and other forms of pacific intervention.

I suppose that the chief reason why hostilities have not begun is that the military preparations are not fully made.

Only those who have access to the military councils can tell how soon the war will open.

For some days placards have been posted in the streets of Vienna, signed by Prince Colloredo, stadtholder of Lower Austria, and Dr. Zelinka, the burgomaster of Vienna, calling for volunteers. The call is also published in the official gazette. It is also officially announced that the government of Austria will adhere to the declarations of the congress of Paris of 1856 and abstain

from seizing merchant vessels of the enemy and their cargoes at sea as good prize, in case of reciprocity on the part of the enemy.

This provision, however, has no relation to merchant men carrying contraband of war, or endeavoring to break a lawful blockade.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 179.] LEGATION OF THE UNITED STATES,
Vienna, May 30, 1866.

SIR: I have the honor to acknowledge the receipt of your No. 179, of date April 30, in answer to my No. 160, concerning the impending war in Germany.

I do not propose to write a despatch to-day, having nothing new to communicate on this most important subject.

Military preparations are going on in this empire with as much zeal as ever. There is a slight improvement on the exchange, and a comparative lull in the public excitement, but I regret to say that I find few public or private indications here of faith in a pacific or satisfactory result from the conferences or conversations about to be held in Paris.

I sincerely hope, however, that the eminent personages about to assemble in that capital may devise some means of substituting a just and permanent peace for the impending war. How that is to be done I confess my inability at present to perceive.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 182.] LEGATION OF THE UNITED STATES,
Vienna, May 30, 1866.

SIR: I have had the honor to receive your despatches Nos. 181 and 182, of 30th April and 3d May, together with an enclosure of the copy of your note to the Marquis de Montholon, under date of 25th April.

I much regret to find that my proceedings in the first days of April, as recounted in my despatch of that month, No. 158, have not met your approval.

As the subsequent course of events would seem to take from those personal proceedings of mine any public importance, I should consider it unbecoming and improper to intrude upon your time with vindications or explanations of my course. I venture to believe, however, that if you would bear in mind that my latest despatches then received from you were Nos. 167 and 169, of date 19th March, and 170, of date 20th March, your judgment of my course might perhaps be less unfavorable.

My object at the time of the above mentioned despatch was threefold: first, to lay your protest textually before the imperial royl government without loss of time; secondly, to furnish *authentic* and *exact* information as to the *extent* of military aid about to be sent out of these dominions for the government of the Archduke Maximilian; thirdly, to provide you with a clear exposition of the rela-

tions which the imperial royal goverment considered itself to be maintaining in Mexico. The last branch of the task was not so simple as the two first, because much time was likely to be consumed before an official answer to an official note would probably be received. I therefore wrote out myself at once what I understood to be the position in which the Austrian government regarded its relations with Mexico, and submitted it for confidential perusal to the imperial royal minister.

I did not suppose that by so doing I was identifying myself, still less the United States government, with those views. I simply thought that by stating their position as they regarded it as clearly, faithfully, and strongly as it could be stated, you would be the better able in reply to deal with the subject in the manner you thought the most appropriate and thorough, and to instruct me accordingly.

In conclusion, I would venture respectfully to express the hope that whatever may be thought of my own part in this grave affair you will not be dissatisfied with the general result.

I have the honour to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Wáshixgton, D. C.

Mr. Motley to Mr. Seward.

No. 184.] LEGATION OF THE UNITED STATES,
Vienna June 6, 1866.

SIR: The most important events since the date of my last despatch, in regard to German affairs, is the recent statement of the Austrian government at the Germanic Diet on June 2.

By this declaration the imperial royal government formally transfers to the Bund its share of the condominium over Schleswig-Holstein, declares its intention to submit to such decision in the matter as the Bund may take, and announces that it has ordered its stadtholder in Holstein to summon the estates (Stäude) of that duchy, in order that those legal representatives of the territory in question may decide as to their own destiny.

This will unquestionably be regarded by Prussia as a renunciation on the part of Austria of the Vienna treaty of 1864, and of the Gastein convention of the following year. By those documents, as you are well aware, Austria and Prussia acquired from Denmark the joint sovereignty of the two duchies, or at least supreme jurisdiction over them, and subsequently arranged for a separate and provisional administration of them, without any impeachment of that undivided sovereignty.

Instead of Austria, the Bund would now appear invested—so far as Austria has the power to confer it—with the half of the undivided condominium. To the Bund then belong the privileges and the responsibility of the sovereignty which Austria renounces. Among those responsibilities is the necessity of preventing by military power the annexation of the duchies to Prussia. To do this a decree of execution by the Bund against Prussia will be necessary. This will be equivalent to a declaration of war against Prussia, in which war Austria, as well as the other German states of Germany, are bound to take part in obedience to the Bund. Prussia, on the other hand, intimated at the above-mentioned session of the Diet, that she is likley to declare the Bund, as at present constituted, incompetent for its office, and to take this legal conviction of hers as a basis for future action.

If this be a threat of formal secession from the confederacy, the effect of such a step on its other members remains to be seen, It is possible that some of them

might hold the permanent league to be thus broken, and might excuse themselves therefore from marching to execute its decree against Prussia. Hanover and other small northern powers might thus justify themselves in neutrality. The others, if they took the field, would do so, not as allies of Austria, but only as members of the Bund. And the Bund moves slowly. Meantime there is an Austrian brigade in Holstein and the Austrian stadtholder is ordered to summon the Holstein estates. Those estates will vote for the prince of Augustenburg as their sovereign. But the very beginning of the quarrel was the Prussian despatch of January 26, complaining of the Augustenburg intrigues, by permission of Austria, as an unpardonable offence.

The first blow would, therefore, seem most likely to be struck in Holstein, and indeed it is already known in Vienna that Prussia means at once to move troops into Holstein. She has announced, as I am informed, that she goes there not as an enemy, but in exercise of her right as joint sovereign. A *casus belli* would, therefore, seem almost found.

Austria justifies her course in regard to the Vienna treaty and the Gastein convention by the manifest intention of Prussia to carry out her annexation schemes by force of arms, by the fruitlessness of all efforts hitherto made by the imperial royal government to come to an understanding with that of Prussia, and by the fact that Prussia had "not shrunk from the lamentable decision to rely upon the assistance of foreign enemies of the Austrian empire" in bringing the question of the duchies to the solution by force.

It may be noticed in passing that the document here speaks of an alliance of Prussia not with one foreign enemy but with enemies in the plural.

("Und trat selbst nicht vor dem beklazenswerthen Entschlusze Zurück sich auf die Hilfe auswärtiger Gegner des Kaiserstaates zu stützen.")

Who besides Italy is the other foreign ally of Prussia in the opinion of the imperial royal government? The question seems a pregnant one.

"Threatened on two sides, and not knowing whether to expect the first attack in the north or the south," Austria proceeded to declare to the Bund on this same occasion that "she was in arms to hold her own," (um das seinige zu behaupten.") Such being the cause of her arming, she declares that the conditions precedent to her return to a peace footing might be easily deduced.

This plain declaration, together with the language of the imperial royal cabinet in accepting on the following day (June 3) the invitation to the proposed conference at Paris, seems to make the position of Austria as clear as words can make it. She accepts, with the presupposition (voranssetzung) that "no combinations are to be proposed at the conference giving to any one of the invited powers any extension of territory or increase of power."

In short, Austria solemnly declares that she means to hold her own and oppose the territorial aggrandizement of either Prussia or Italy.

Yet there are those who believe, or who pretend to believe, that the coming conferences (if they take place) are to effect a pacification.

I doubt whether there are many such believers at present in this empire.

Austria is invited to confer upon the Schleswig-Holstein question, the reform of the Bund, and upon that which, by a not very graceful euphonism, is described in the invitation as the "Italian difference," ("defferand Italien.")

It was known that if the phrase "Venetian question" had been used, Austria would have simply replied that she knew no such question.

As to the question of the Bund reform, it is hardly reasonable to consider projects of that sort as fit matter at present for international debate at Paris.

So far as Schleswig-Holstein is concerned, Austria has now turned that subject over to the Bund.

What, then, has she to do at a conference?

Certainly the steady tramp of regiment after regiment through the streets of Vienna to the northern railway—a daily spectacle, which has been exhibited

now for many weeks—does not look much like peace. Neither does the official publication, on the 3d of June, of two imperial edicts, the one suspending the laws securing personal security and household rights in all the southern portion of the empire, (Lombardo-Venetian kingdom, Illyria, South Tyrol, Dalmatia;) the other empowering the commander-in-chief (Benedek) of the northern army to take the same measures at his discretion throughout the territory under his command, and to declare martial law, seem to indicate much hope of a pacific solution.

As nearly as I can ascertain, Austria has now at least 500,000 regular troops in marching order, ready for action, besides garrisons, reserves, and veterans. Of these, nearly 350,000 are massed near the Prussian frontier.

On the other hand, the whole of the Prussian army is said to be mobilized, and the numbers are stated as high as 460,000.

The enormous expense of these armaments is in itself a reason why the public feeling, (in this empire, at least,) after having been for a long time most pacific, seems now completely changed.

The sooner the inevitable is met the better for all, appears to be the prevailing thought.

I should be far from speaking of the proposed conference as a great publicist once spoke of the congresses of Soissons and of Cambray, as "a tedious farce acted on the political theatre, in which the principal performers were less desirous of coming to an accommodation than of appearing to desire it."

Doubtless there is a very sincere desire for peace felt by many of the governments engaged in the coming conference. I doubt, however, if a serious expectation of a pacific result is felt by any of them.

The parties to the game, in case it should be played, will more or less show their hands, and a shrewd guess will be possible as to the combinations for the coming war.

It would be interesting to know what understanding there may be between France and other powers, but that, I suppose, is for the present past finding out.

I should doubt, however, whether there was a very cordial feeling between this government and that of France.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 188.] LEGATION OF THE UNITED STATES,
Vienna, June 19, 1866.

SIR: I send you herewith a careful translation of the imperial manifesto published day before yesterday, regarded as a declaration of motives and purposes by an emperor to his subjects when entering upon what is likely to be one of the most eventful struggles of modern history. The document will strike you, no doubt, as well worded, dignified, and worthy of the solemn occasion.

It will have, of course, met your eye long before this despatch can reach you; as I have, however, endeavored to keep you informed, to the best of my ability, of the gradual steps towards the war, ever since, in my despatch of March 20, I stated my inability to imagine how war could be averted, I have thought it best to insert this important state paper in our correspondence.

It sums up the case for Austria lucidly and energetically, and seems to leave but little to be said on that side.

Since the date of my last despatch, the vote of the Bund, by nine to six, to put

the Bund army in motion against Prussia, as the peace breakers, has been announced, and Prussia, declaring that vote illegal, has formally seceded from the Bund, has offered its alliance to Saxony, Electoral Hesse, and Hanover, and on their refusal has invaded and occupied the territory of those powers.

The telegraph this morning brings us the news of the occupation of Leipzig and Dresden by the Prussian army of the Elbe. Its army of the Oder, under the crown prince, defends Silesia. A battle is considered imminent in Saxony.

I must, however, take this opportunity to state that it would be mere affectation for me to attempt to send military intelligence.

The plans and movements of the Austrian commander-in-chief are kept scrupulously secret. Permission to the foreign military attachés to go to headquarters has been courteously refused, and the newspapers are prevented at present from furnishing authentic military intelligence.

I should say, as nearly as I can inform myself, that the Austrian army of the north numbers 350,000 fighting men, and that it means to take the offensive, and, if possible, capture Berlin.

On the other hand, I should guess the opposing army of Prussia to be larger than that of the Austrian northern army, and that it means, if possible, to hold the celebrated line of the river Main, thus occupying those German states which lie between its own western and eastern possessions, and to neutralize the contingents to the Bund army of those powers.

The Kings of Hanover* and Saxony and the elector of Hesse have already left their respective dominions, which for the time are mainly in the power of Prussia, together with the coveted duchies of Schleswig and Holstein.

The war thus opens with a considerable apparent advantage secured by Prussia, through promptness and energy of action; on the other hand, it cannot be doubted that Austria is preparing a great movement, combined with the forces of the powers faithful to the Bund. The result of a general battle in Saxony on a great scale might, if decidedly favorable to Austria and the Bund, force the Prussians from Dresden, and even open the road to Berlin But such speculations on my part are idle and superfluous. I shall only add that the Bund has formally declared itself indissoluble. This means, of course, its intention to coerce Prussia back into the Bund.

But the difference between our own civil war and the opening civil war in Germany strikes the eye at once.

The German Bund is a confederacy, a league of sovereigns, not an incorporation. It never pretended to be a union. Its foundation is a treaty between monarchs, not a law laid down by a sovereign people.

It was never disputed that those princes, emperors, kings, or dukes, who have for centuries exercised all the attributes of sovereignty, coining money, maintaining armies and navies, regulating foreign commerce and holding diplomatic intercourse with foreign powers, were as sovereign as it was possible to be. Their sovereignty is a fact, not a phrase. As independent sovereigns they have bound themselves together by a league. As they declared it perpetual, those faithful to the Bund have a legal right to carry on war against those members who violate their faith to it.

Prussia may be proceeded against, therefore, as a peace breaker, as a violator of treaties, by those who consider her guilty of those offences.

To speak of her as a rebel would be a mere abuse of language. It would be to confound things essentially different, quite as much so as it was for those States of America, some of which had never possessed the attribute of sovereignty, while others had voluntarily divested themselves thereof on accepting the constitution of '87, to claim sovereignty and independence, which they could only achieve by successful rebellion against legal authority.

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*Since contradicted as regards the King of Hanover.

Whatever be the result of the war, we can hardly expect to witness the return of Prussia to what has been, since 1815, called the Germanic confederation. But these considerations are so obvious that I ought to ask pardon for dwelling on them.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

IMPERIAL MANIFESTO.

TO MY PEOPLE: In the midst of the work of peace that I undertook in order to lay the foundations of a constitutional form, which should strengthen the unity and position as a power of the whole empire, and secure to the separate provinces and peoples their free interior development, my duty as ruler has compelled me to call my whole army into the field.

On the frontiers of the realm in north and south stand the armies of two allied armies, in the intention of shaking Austria in its position as a European power. To neither of them has been given on my part a motive for war.

To keep the blessings of peace for my peoples, I have always regarded, the Omniscient God is my witness, as one of my first and most holy duties as ruler, and have striven faithfully to fulfil it.

One of the two hostile powers, however, requires no pretext; greedy for the robbing of a part of my realm the first favorable opportunity, is a sufficient cause for war.

Allied with the Prussian troops which now stand against us as enemies, a portion of my brave and faithful army marched two years ago to the shores of the North sea.

I entered into this armed alliance with Prussia in order to maintain the rights of treaties, to protect a threatened German brother race, to confine the misfortune of an inevitable war within its narrowest limits, and in the most intimate connection of the two great powers of central Europe, to whom especially the duty of maintaining European peace is confided, to gain for the welfare of my empire, of Germany and of Europe, such a lasting security for peace.

I sought no conquests; unselfish in the concluding of the alliance with Prussia, I strove also at the peace of Vienna for no advantages for myself. Austria has no responsibility for the dark series of unhappy complications which, had Prussia been equally unselfish, could never have arisen, which, had she been equally faithful to the Bund, would have been arranged in one moment.

They were called forth by the desire to realize selfish purposes, and were, therefore, insolvable by my government in a peaceful manner.

Thus the gravity of the situation steadily increased.

Even when warlike preparations were manifestly going on in both the hostile states, and an understanding between them, which could have no other object than a combined attack upon my empire, became every day clearer, I persisted in peace, conscious of my duty as ruler, and ready for every concession that might be compatible with honor, and with the welfare of my peoples.

As I found that a further delay would endanger the effective defence against hostile assaults, and, consequently, the security of the monarchy, I was obliged to resolve upon the heavy sacrifices which are inseparable from warlike armaments.

The assurances of my love of peace given to my peoples, the repeated declarations of my readiness to simultaneous disarming on all sides, were answered by Prussia with counter imputations, the acceptance of which would have been the abandonment of the honor and safety of my empire.

Prussia demanded the full previous disarming, not only against herself, but also against the hostile power standing against me on the border of my empire in Italy, for whose peaceful intentions no guarantee was offered or could be offered.

All negotiation with Prussia regarding the questions of the duchies has demonstrated the fact that a solution of this question such as is demanded by the dignity of Austria, the law and interests of Germany and of the duchies in understanding with Prussia, in its now openly manifested policy of violence and conquest, is not to be attained. The negotiations were broken off, the whole matter laid before the Bund for its decision, and the legal representatives of the Bund were at once summoned. The threatening appearances of war caused the three powers, France, England, and Russia, to issue invitations to my government for participation in common deliberations, the object of which should be the maintenance of peace. My government, in harmony with my intention to maintain peace for my peoples, if it were possible, did not refuse its participation, but annexed to its consent the precise as-

sumption that public European law and existing treaties should fix the point of departure for these mediatory attempts, and that the participating powers should pursue no special interests to the detriment of the European equilibrium, and of the rights of Austria.

If the attempt of peace deliberations was at once wrecked on these natural preliminary conditions, the proof is thus afforded that the deliberations themselves could never have led to the maintenance and confirmation of peace.

The latest events prove indisputably that Prussia now publicly places might before right.

In the right and honor of Austria, in the right and honor of the whole German nation, Prussia saw no longer a limit for its fatally mounting ambition; Prussian troops marched into Holstein; the assembly of the estates summoned by the imperial stadtholder was forcibly prevented; the governmental power in Holstein, which the peace of Vienna had conferred on Austria and Prussia jointly, was claimed exclusively by Prussia, and the Austrian occupying force compelled to yield to tenfold superior power.

When the German Bund, recognizing an arbitrary violation of treaties, voted on motion of Austria the mobilization of the Bund troops, Prussia, who so willingly vaunts itself the protector of German interests, completed the ruinous course upon which she had begun. Tearing in pieces the national bond of the Germans, she declared her secession from the Bund, demanded of the German governments the acceptance of a so-called plan of reform which realized the division of Germany, and proceeded with military violence against the sovereigns faithful to the Bund.

Thus has the most woeful of all wars, of Germans against Germans, become inevitable.

To answer for all the misery that it will bring upon individuals, families, countries and provinces, I summon those who have brought it on before the judgment seat of history, and of the Eternal Almighty God.

I go forward to the conflict in the confidence that a just cause gives, in the consciousness of might which lies in a great empire where prince and people are filled with but one thought, the good right of Austria, with fresh, full courage, at the sight of my brave army all equipped for battle, and building the wall against which the power of Austria's enemies will break itself, at the sight of my true peoples, who, resolved and united, are looking up, ready for sacrifices, to me.

The pure flame of patriotic enthusiasm is glowing everywhere and equally through the wide territories of my empire; joyfully have the summoned warriors hastened into the ranks of the army; volunteers are pressing forward for military service; the whole arms-bearing population of the provinces most threatened is girding itself for the contest, and the most noble spirit of self-devotion is hastening to mitigate the sufferings and to supply the wants of the army.

But one feeling pervades the inhabitants of my kingdom and provinces, the feeling of a common fellowship, the feeling of might in unity, and the feeling of resentment at such unexampled violation of laws.

Doubly does it pain me that the work of compromise and agreement upon internal constitutional questions has not made such progress as to enable me, in this earnest but inspiring moment, to summon the representatives of my peoples around my throne.

Wanting this support of my throne now, my duty as ruler is the more clear, my resolve the firmer to insure it for all future time for my empire.

We shall not stand in this struggle alone.

Germany's princes and peoples know the danger which threatens their freedom and independence, on the part of a power whose conduct is guided alone by the self-seeking plans of a reckless love of aggrandizement; they know what a shield for their highest treasures, what a support for the power and integrity of the whole German fatherland, they find in Austria.

As we stand in arms for the most sacred possessions which peoples have to defend, so do our German brothers of the Bund.

The arms have been forced into our hands. So be it! Now that we have grasped them, we will not and cannot lay them down before a free inner development is secured to my empire and to the German states allied with it until their political position is once more established—firm foundations.

Upon our unity, our strength, let not confidence and hope repose alone. I place them upon a higher power, the almighty and just God, whom my house, from its origin, has ever served; who does not forsake those who in righteousness do not forsake Him.

To Him I will pray for support and for victory, and I summon my peoples to do it with me.

Given at my residence, in the capital city of my empire, Vienna, on June 17th, 1866.

FRANCIS JOSEPH.

Mr. Motley to Mr. Seward.

No. 189.] LEGATION OF THE UNITED STATES,
Vienna, June 19, 1866.

SIR: I have the honor to acknowledge receipt of your Nos. 183 to 187, inclusive, together with a copy of your note of April 25, to the Marquis de Montholon.

I beg to thank you for the communication of this very important and interesting document, and at the same time to express my sincere gratification that my proceedings in regard to the volunteers for Mexico have met with the approval of the President.

Meantime, I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Motley.

No. 194.] DEPARTMENT OF STATE,
Washington, July 2, 1866.

SIR: I acknowledge with many thanks your interesting despatch of June 13, No. 187, in which the posture of affairs between Austria and Prussia at that date is concisely and clearly described. I shall await with much interest your account of subsequent important events which may have taken place.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

Mr. Motley to Mr. Seward.

No. 191.] LEGATION OF THE UNITED STATES,
Vienna, July 3, 1866.

SIR: I have the honor to acknowledge receipt of your No. 189, of date June 9, in which you inform me that the communication of the imperial royal minister of foreign affairs, in relation to the volunteers enlisted for Mexico, has been received by the President with sincere satisfaction. I did not fail to communicate at once, in a note to Count Mensdorff, the substance of your despatch, expressing your cordial appreciation of the just, friendly, and liberal proceedings of the Austrian government to the United States on this, as on many other occasions, and your assurance of reciprocal good will and friendship cherished in the United States for the government and people of Austria.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 193.] LEGATION OF THE UNITED STATES,
Vienna, July 3, 1866.

SIR: I have thus far not attempted to write to you of military events, which absorb the thoughts of every one in this empire.

The reason is obvious. Such daily accounts as reach us here from the seat of war are made public all over the world at the same time. Thus you receive through the official telegrams much later accounts than it would be possible for me to send by post.

Authentic intelligence is dealt out very sparingly and with great caution from the headquarters of the northern and southern army. As an illustration, let me give you verbatim what has just been officially published this morning:

"KONIGGRATZ, *July* 3—10.30 p. m.

"The success of the battle delivered to-day between Koniggratz and Josefstadt was until 2 p. m. favorable to the Austrian arms; after this time the enemy began to out flank us and to force us back. Headquarters are supposed to be in Swiniarck, on the road to Hohenbruck."

I fear that these meagre lines denote one of the most sanguinary battles of modern times, and a repulse of the imperial army from the whole line of the Elbe. Very possibly it has been the decisive action of the war. On the other hand, the battle may be renewed to-day, and the fortune of war may change. It would be mere affectation, therefore, to write a despatch filled with conjectures concerning events of which you will have received certainties by telegraph before what I send can reach you. Of the past, I assume that the details of the battle of Custozza are entirely familiar to you. This very decided repulse of the Italian army occasioned much elation here. The campaign in the north, however, has thus far caused extreme depression. The Prussians, besides long ago making themselves masters of the Elbe duchies, have occupied Hanover, Electoral Hesse, and Saxony; have entered Bohemia from Saxony and Silesia, gaining successfully, and after bloody and hotly-contested engagements, the whole line of the Iser and the frontier heights of Nacbod, Skalitz, Koniginhof, Trantenan, and effecting the junction of their two great armies, that of the Elbe and of Silesia, under Prince Frederic Carl and the Crown prince, respectively, in the heart of Bohemia.

Since July 1, the Austrian army has been concentrated, as I understand it, in a kind of isosceles triangle, Josefstadt, Pardubitz, Podiebrod, its base resting on the Elbe, defended by the two fortresses Josefstadt and Koniggratz, and with a railroad along two sides.

The interior of the triangle being thickly sown with brooks, meres, and swamps, seemed to make a very strong position. On the other hand, the way of the Prussians was quite open to Prague, and it was expected for twenty-four hours that they would occupy that city, which would have been abandoned without much resistance. Had they done so, the decisive fighting might have been deferred for some time longer, and it would, I suppose, have been necessary for the Austrians to have come out for the offensive. It appears, however, that the Prussians have preferred the more adventurous policy, and have, with their united strength, attacked the whole Austrian army of the north. The result, according to the meagre telegram just quoted, is that, after considerable success during the first half of the day, the Austrians have been forced back, and their headquarters removed to the east (left) bank of the Elbe.

I fear that there is a fearful tale of bloodshed soon to be told, and one's heart aches at the misery which yesterday's work has created. There is hardly a family in this capital some of whose members are not at the front, either in the north or the south.

There was great depression felt here two days ago at the result of the preliminary engagements. The loss in wounded has been very large, and the Prussian needle-gun is admitted to be a most effective weapon, superior to anything in the Austrian army.

On the other hand, the Austrian artillery and cavalry are thought better than those of their antagonists.

The original plan of Marshal Benedek has been neutralized. His position in the north of Bohemia was intended to be a wedge, forcing the two Prussian armies asunder before they could enter Austrian territory. Despite his efforts, they have coalesced. I suspect that this mishap is rather due to political than to military manœuvring.

From the beginning of this year the object of Austria's policy has been to secure the support of the Bund. This support could only be obtained by putting Prussia in the position of the peace-breaker, and thus bringing against her the vote of execution.

In this, Austria, as you are aware, was successful; but meanwhile Prussia has occupied Hanover and Saxony—most substantial advantages at the opening of the campaign. It was doubtless part of the plan of the Austrian commander-in-chief that the Bund army, making (on paper) some 150,000 men, should march from the west, through the Thuringian passes and Prussian plains towards Berlin, to the rear of Prince Frederic Carl's army, while Benedek with the Austrian army confronted both Prussian armies before their junction; but unfortunately the Bund army, although "mobilized," has hitherto abstained from moving, and the great and effective diversion upon Berlin has not been made; moreover, the Hanoverian army has been obliged to lay down its arms almost in sight of the army of the Bund.

After all, therefore, Austria, by its straightforward and honest policy towards the Bund, has thus far obtained the assistance of the Saxon army, and practically only the armed neutrality of Bavaria, Baden, and Wurtemberg. The other German powers have either seceded and made common cause with Prussia, or are for the time subjugated by her.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D C.

Mr. Seward to Mr. Motley.

No. 195.] DEPARTMENT OF STATE,
Washington, July 6, 1866.

SIR: Your despatch of the 19th of June has been duly received. I think it is very clear now that the civil divisions of Germany, as they have heretofore existed, must necessarily be modified by the events of the war. I thank you for the pains you have taken in keeping the government so well advised, and I shall look with deep interest for your further communications.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., *&c., &c.*

Mr. Motley to Mr. Seward.

No. 193½.] LEGATION OF THE UNITED STATES,
Vienna, July 11, 1866.

SIR: When I was writing my last despatch, No. 192, of July 4,* no one in Vienna was aware of the extent of the military disaster which had befallen this empire. It was known only that there had been a decided repulse near Koniggratz; yet, before my despatch had left the post office, on its way to the United States, the startling news of the utter overthrow and flight of the great army of the north was spread over Europe

The fact sufficiently illustrates the impossibility of my conveying fresh intelligence of current events to you by post. Even now, the amount of the loss to the imperial army can only be guessed at approximately. No official reports

* Accidentally, I believe, in the copy July 3.

have been published, nor have the numbers of the imperial army in Bohemia ever been authentically stated.

It is certain, however, that there were seven corps under General Benedek, which could hardly have amounted to less than 220,000 men, besides the Saxon army and the cavalry, which must have swelled his aggregate force to 260,000 or 270,000. As nearly as I can ascertain, his army, now rallied and organized at Olmutz, does not exceed 150,000 men.

The Prussians claim to have taken 120 cannon and 20,000 prisoners in the action of the 3d.

The active campaigning in the north lasted hardly longer than ten or twelve days, and it is very probable that the war is already finished. Three causes are most prominently assigned for the terrible misfortune which has befallen Austria, the Bund, Benedek, and the breech-loading rifle.

Dependence upon the Bund has paralyzed the action, both political and military, of this government, from first to last. Previous months were wasted in putting Prussia in the wrong before the Frankfort Diet, and thus securing the vote of execution against her as the peace-breaker, while the advance of 150,000 Bund troops through Thuringia against Berlin was undoubtedly reckoned upon by the commanding general as a leading part of his plan.

Those troops never moved, never lifted a finger to prevent the surrender of the Hanoverian army, and the vote of the Diet was of about as much practical service to Austria as if it had been taken at a college debating society.

The general-in-chief, who had long enjoyed a high and well-deserved reputation as a brave and patriotic corps commander, now finds public defenders nowhere, and the censures of his strategy are loud and universal.

As to the needle-gun, it is now discovered, too late, that it is desirable for armies, however brave and enduring, to be provided with modern improvements.

The Prussian gun, as you are aware, was reported upon to the United States government by a military commission before our war against the rebellion began. It was used by the Prussian troops, when allied with Austria, three years ago, in the Schleswig-Holstein war. The American Remington rifle has been exhibited, as I have been informed, to the imperial royal government, without success; and thus Austria went into this tremendous war with nothing but muzzle-loaders against Prussian needle-guns.

I suppose the day is not far distant when muskets with ramrods will be as obsolete as bows and arrows.

Certainly the advantage in weapons has seemed to make the Prussian army comparatively superhuman; yet I suppose it to be certain that the Prussian gun is inferior in rapidity of firing and simplicity of mechanism to the last rifle used in the United States.

It would be difficult to describe the gloom, almost amounting to despair, which has held posession of this city and the whole empire ever since the fatal 4th of July, when the disaster was first revealed in its full extent—a day destined to have a less cheerful sound, alas! in the Austrian fasti than in our own.

No soldiers have ever fought with more reckless bravery than the imperial troops. The instances of individual heroism and self-devotion have been manifold, but the army was outgeneraled, outweaponed, and outflanked, and for the last seven days a sickening expectation has been almost universally prevalent of seeing the victorious enemy enter Vienna.

The black week has, however, come to an end, and a singular change in the situation has occurred. You are, of course, already aware of the negotiations with France, although they are fresh at this moment. A single word, founded on perfectly authentic information, may not, however, be superfluous. Austria, after the successful battle of Custozza, on June 24, conceived the thought of ceding by treaty Venetia, which she had thus proved her ability to hold against force. As day by day afterwards it became more and more evident that the

Bund army, though voted mobile, was not likely to move, while the Prussians were advancing from one success to another in the north. It seemed the more desirable to liberate the splendid southern army under Archduke Albert for service in Bohemia. On the eventful 3d of July the offer was made to cede Venetia to France, in exchange for her mediation with Italy. The negotiation lasted during the 4th. France agreed to accept Venetia, and to mediate with Italy, and proposed to go a step further, and mediate with Prussia. This was not exactly the object of Austria, who wished to disengage her southern army, in order to re enforce Benedek's defeated troops; she, however, accepted the proposition of France. Meantime, the parallel negotiations between the commander of the Austrian army of the north and Prussian headquarters had come to nothing.

The war at this moment still continues, but the news of an armistice is daily expected. France has sent General Le Boeuf, aide-de-camp of the Emperor, as commissary, to take possession of Venetia, which is now a French province; and a French fleet is on its way to Ancona and Venice. Italy is to receive provisional possession of Verona, and, as I learn, is distinctly informed that if she invades Austrian territory, she will find herself at war with France.

Prince Napoleon is on his way to the headquarters of the Italian King, with information to the same effect.

On the other hand, the French ambassador at Berlin is on his way to the headquarters of the King of Prussia, where he is to insist upon an armistice, and, in case of non-compliance by that sovereign, to intimate war upon the part of France, and an immediate occupation of the Rhine provinces.

This is the situation at the present moment. The answer of Prussia cannot be long delayed. If she accepts the armistice, it will be on the basis of *uti possidetis*, and the possessions of Prussia are formidable. She has gained in her rapid and startling campaign, besides Schleswig-Holstein, Hanover, Electoral Hesse, Saxony, the sovereigns of which countries are either in prison or in exile, and Bohemia, in which kingdom her united armies are established, while, in its capital, the imperial city of Prague, a Prussian garrison is quartered.

With such a basis of possession, she may well go into an armistice. In the negotiations of peace to follow, she will be likely to secure practical sovereignty over Schleswig-Holstein, Hesse-Cassel, and Hanover, while Italy, conquered at Custozza, will owe Venetia to victorious Prussia, although forced to accept it nominally from neutral France.

It is the fashion to consider this form of transfer an immense triumph for the Emperor of the French, but I do not quite perceive the force of the reasoning. History will record, I think, that the separation of Venetia from Austria was effected on the 3d of July, at the battle of Sadowa-Koniggratz.

So far as I can comprehend the situation, the attempt of the Prussians to occupy Vienna would be a great mistake. They would leave the still formidable army of Benedek at Olmutz on their rear and flank; they would find very powerful works at Florisdorff, outside Vienna, to prevent their crossing the deep, rapid, and dangerous Danube, and they would be exposed to the advance of Archduke Albert's army, 150,000 strong, and not wanted certainly now to defend a French province against Italy, which is expected this week in Vienna.

If, however, they advance towards Vienna at all, they would seem more likely to cross the Upper Danube, in the neighborhood of Linz, leaving the northern army far away on the left, and coming down along the right bank of the river. But if Austria can really rely on the alliance of France, this movement would seem like madness. There is still suspicion here as to the real intention of the French Emperor. It would seem probable from official statements that he had expected both German powers so to exhaust themselves in a long campaign as to be unable at its close to confront his power or refuse his dictation. The brevity of the campaign and the marvellous success of Prussia must have essen-

tially disturbed his calculations. As, however, a very strong military power in Central Europe, whether called Great Prussia or Great Germany, is considered adverse to the interests of France, it would seem to be his obvious policy, with the assistance of Austria and Russia, (which power is now said to act in harmony with France,) to check the ambition and prevent the rapid expansion of Prussia, before it becomes even a greater military power than France itself.

Meantime Austria, which from the beginning of these transactions has been straightforward and sincere in her desire to avoid war and to remain on good terms with all mankind, has been the victim of some ancient errors and of many hostile combinations. Certainly it would have been more profitable to sell her share of Schleswig-Holstein for the thirty millions which Prussia would have paid, and to have ceded Venetia to Italy, for the forty million pounds sterling, which I believe that this government could at any time during the last year have guaranteed. Such transactions were not considered prudent or honorable, but the Elbe duchies and the ancient Italian oligarchy have at last obeyed the laws of political gravitation, despite the blood and treasure which have been poured out to prevent that result.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 198.] LEGATION OF THE UNITED STATES,
Vienna, July 24, 1866.

SIR: Since my last date both military and political events have moved rapidly towards the crisis.

The Prussian army, considered as one great whole, occupies all Germany north of the river Maine, together with those German portions of the Austrian empire lying north of the Danube, including Bohemia and Moravia. The Prussian right rests on Frankfort; the extreme left almost touches Pressburg in Hungary.

Resistance on the part of the 7th and 8th corps of the Bund army (consisting of the troops of the southwestern states, Baden, Wurtemberg, and Bavaria,) may be said to have ceased. A practical truce exists between those states and Prussia since the last combats at Kissingen and Aschaffenburg, and the occupation of Frankfort by the Prussians.

On the other hand, the army now menacing Vienna, consisting of the two great armies of Prince Frederick Carl, and of the Crown Prince, now united under the King in person, occupies that great plain, some twenty-five miles in extent, watered by the river March, a tributary to the Danube, and so famous in military history as the Marchfeld. Here, among other historical and eventful conflicts, were fought the renowned battles of Aspern and Wagram.

The headquarters of the King of Prussia are now at the castle of Nickolsburg, (belonging to Count Mensdorff, imperial royal minister of foreign affairs,) about forty English miles due north of Vienna. The extreme left of the Prussian army has been pushed across the March, and is close to Pressburg, numbering, it is thought, 45,000 men. The centre is spread out over the Marchfeld towards the Danube, and amounts, probably, to 120,000 men. The extreme right, perhaps 50,000 strong, is under command of General Herworth Von Bittenfeld, and is thought to be directed upon Krems, one of the points where an attempt to force the Danube has been expected.

Of course these estimates of numbers are founded only on conjecture.

The Austrian position of defence, on the other hand, is a very strong one; if the troops were sufficiently numerous, it might be almost deemed impregnable.

The army of the Danube, as the united forces formerly constituting the armies of the north and south are now called, is under supreme command of field marshal the Archduke Albert. Great confidence is felt in the archduke's generalship since his victory over the Italians at Custozza, and in the capacity of his chief of staff, General Von John. The basis of the line of defence is the entrenched camp of Florisdorff, just opposite Vienna, on the opposite or left bank of the Danube.

From the height of Leopoldsberg, a hill just outside the city, I took an opportunity, a few days ago, of obtaining a bird's-eye view of the camps which rest on the river and extend across the plain. Artillery was in position to great amount upon the works, and the camp-fires of the army corps of General Gabbeuz, who commands at Florisdorff, and who has much distinguished himself in the recent campaign in Bohemia, were visible all over the low meadows and on the verge of the woods which intersect the plain in various directions.

From this camp as a centre, the army stretches from Pressburg in Hungary to beyond Krems, in Upper Austria, an extent of some one hundred and twenty English miles, at several points within which a crossing may be attempted by the Prussians.

You will perceive that an immense force is needed to make so long a line secure.

Such is the military position, and such it has been since my last date of writing.

There has been much marching and counter-marching within the line of the Danube during the past week. Vienna is like a camp. Troops are quartered in almost every house in the capital and the neighboring villages; large forces have been temporarily encamped in the pleasure grounds of the Prater; the town palaces of great nobles and their chateaus in the country have been converted by the generosity of their proprietors into hospitals for the sick and wounded; the ladies of all classes, from high-born dames to those of humbler degree, vie with each other in ministering to the wants of the suffering; large contributions of money and of needful articles have been freely made; volunteers for the army have come forward in considerable numbers, and a burgher guard has been formed to supply the place of the military police when summoned to take part in the hostilities outside the town; and there is a very general resolve that Vienna shall do its part manfully in the defence of its own inhabitants, and in that of the thousands of fugitive families who have flocked hither from the surrounding country for protection.

This praiseworthy tone of the public mind has been heightened by the news of the remarkable naval victory obtained off Lissa on the 19th. Although we are as yet without full details of the engagement, yet it seems certain that this achievement of Admiral Tegetthoff will be accounted by all men, however they may vary in political sentiment and sympathy for the different belligerents, as one of the most remarkable and heroic deeds that naval history records.

According to accounts published here, official and private, the twelve ironclads under Admiral Persano numbered 316 guns and 5,746 men. On the Austrian side were seven iron-clads, with 185 cannon and 2,530 men.*

The calibre of the guns was also very much to the advantage of the Italians, the Affondatore having alone two 300-pounders.

The result will of course be accurately known to you before this despatch arrives, but it seems certain that the Italian fleet, after its ineffectual bombardment of Lissa, has been badly defeated in this engagement, with a loss of one iron-clad frigate and one iron-clad gunboat, while the Austrians, although losing

*Of course I do not vouch for the accuracy of these figures.

two very distinguished officers, Eric of Klint and Captain Moll, have suffered comparatively little damage.

The news of this affair reached us on Sunday last, July 22.

On the same Sunday morning an engagement was taking place between the Austrian army and the advance of the Prussian left wing, at Blumenan, a suburb of Pressburg. The skirmish was gradually growing into a considerable engagement, the Prussians having been repulsed, and falling back for reinforcements, when, in the midst of the combat, the news of the suspension of arms for five days, beginning at noon of Sunday, was announced, and the battle was suddenly terminated.

It is quite possible that the war itself may have thus almost dramatically been brought to an end, and that these are the last shots to be interchanged between fellow-Germans for many years to come. God grant that it may prove so!

You are aware, of course, that negotiations have been steadily continued ever since the 4th of July. It will be for history to decide, with all the facts before her, whether the cession of Venetia by Austria to France was a fortunate conception or a merely abortive and superfluous complication. Certainly the whole of the southern army of Austria was not disengaged by the transaction in order to be employed without hesitation against the Prussians, nor does it appear that France has yet accepted the cession in such wise as to take the kingdom under her protection, to decide the terms of its eventual transfer to the King of Italy, or to interpose her flag between Austria and the advance of her southern antagonist.

At the present moment, through the mediation of the French Emperor, as represented by his ambassador at the Prussian headquarters and at Vienna, a suspension of arms (waffen ruhe) has been arranged until Friday next, 27th July, between Austria and Prussia. It is hoped that this suspension of arms, will be succeeded by an armistice, during which a permanent treaty for peace will be concluded. Italy will probably accede to the suspension of arms, and it is certain that the treaty between that power and Prussia forbids the conclusion of a peace by either of them without the consent of the other.

Without going into details of the preliminary conditions to a pacification, as to which there will be public knowledge probably before this can reach you, I would observe that the instinctive feeling expressed in my last despatch, No. 195, (July 17,) is much strengthened by recent events, and my hope is firmer than before, that the war approaches its end.

There are many difficulties to be overcome, but I have never believed that among them was a fixed determination on the part of Prussia to dictate peace at Vienna, and to hazard the possible loss of what she has already gained, if she can secure her enormous advantange without further bloodshed.

A glance at the map shows that she has already in her possession what she has so long aspired to with a steady far-seeing ambition—the military and political control of all Germany north of the line of the river Main.

At this moment, whatever future developments may be, there are no "sovereigns" properly so called in Germany save the King of Prussia, the Emperor of Austria, the Kings of Wurtemberg and Bavaria, and the grand duke of Baden. The potentates north of the Main line have either apparently accepted the policy of Prussia, or have left their dominions. From all that territory now governed, influenced, or occupied by Prussia, of which the population in round numbers may be stated, including the whole kingdom of Prussia, at thirty millions, delegates will probably be chosen to the parliament summoned by Prussia. The plan of Prussia is understood to require the renunciation on the part of the sovereigns above the Main line of the control of their armies and of their foreign relations in favor of Prussia, and to leave the other departments of government as they were.

The southwestern states, comprising, with the German population of Austria,

some twenty millions, will probably form a separate confederation, together, with or without the exclusion of Austria. It is understood, I believe, that Austria consents to her "exclusion from the Bund." As the "Bund" has ceased to exist, this is hardly a sacrifice on her part; nor can I believe that a true policy should lead her to struggle against the inevitable union of North Germany under the supremacy of Prussia.

That difficulties in regard to claims for war expenses will lead to a renewal of the war after Friday, I cannot believe. More grave are the complications in regard to those sovereigns who have been dispossessed, and, for the time at least, dethroned, by their adherence to the cause of the Bund, or more properly speaking, perhaps, of Austria.

A chivalrous and heroic sense of honor may lead Austrians to renew the war, unless the Kings of Saxony and of Hanover are restored to all those sovereign rights enjoyed by them before the war. This I doubt if Prussia will concede, and the war party in Austria, still very powerful, may gain the upper hand.

The army victorious in the south, under their popular chieftain, the Archduke Albert, and having fought in the north with remarkable although unfortunate valor, is united to a man in a desire to renew the conflict and obtain revenge for past defeats. As it is believed, however, that Prussia, although in actual possession of such large portions of the Austrian empire, is not disposed to appropriate any part of them, I remain strong in the hope that peace on the basis of her territorial integrity (excepting of course the cession of the kingdom of Venetia to Italy) will now be concluded by Austria.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 201.] LEGATION OF THE UNITED STATES,
Vienna, August 1, 1866.

SIR: I have had the honor to receive your despatches Nos. 193, 194, of July 2d, and No. 195 of 6th July.

Since my last of July 24th, the peace, which at that date seemed extremely probable, may be considered as assured.

The telegraph will have probably informed you, long before this despatch comes to hand, of the conclusion of a treaty and of all its details.

It is idle for me to attempt to convey news. It is indeed absolutely necessary for me to assume as facts much that, strictly speaking, belongs to the future, and is, therefore, comparatively uncertain, in order that what I write may not seem utterly antiquated before it is read. By so doing, however, I run the risk of inaccuracy in many details.

At this present moment an armistice exists between Austria and Prussia, to expire at the end of August. There is a "suspension of arms" between Austria and Italy on the 2d of August. An armistice for three weeks has just been signed between Prussia and Bavaria.

General Manteuffel has plenary powers to negotiate separately on the part of Prussia with Wurtemberg and with Baden; moreover a convention of peace preliminaries has already been signed and ratified between Austria and Prussia.

Such are the facts as they exist at this day; yet it is safe to consider the whole war in Europe as ended. Although the provisions of the preliminary convention have not been officially published, there is probably no mystery *about them.*

Prussia is actually sovereign of all Germany, save the kingdoms of Wurtemberg and Bavaria, the grand duchies of Baden and Hesse, and the hereditary dominions of Austria. Austria consents to her exclusion from Germany, but loses no territory save the kingdom of Lombardo-Venetia.

Italy gains what Austria loses, and no more. It does not seem probable that she will obtain the southern Tyrol.

The southwestern states will remain each in nominal and temporary independence. A southern confederacy (word of ominous sound) is improbable, and is certainly not desirable for those powers, or for Austria. Such an imitation of the Rhenish confederation of 1809 would seem to-day a very stale anachronism.

The details as to the various money payments will probably have been made public before this reaches you, and are of but temporary importance. If there be danger to the future peace of Europe growing out of these transactions, which it is to be sincerely hoped is not the case, that danger might be expected from France.

It is possible that the manner in which French policy has been somewhat baffled, and the influence of the Emperor on the continent to a certain extent superseded, may cause dissatisfaction and even resentment. The sudden cession of Venetia to France, immediately after the disaster of Koniggratz, did not entirely answer the purpose contemplated. The Austrian army of the south was but liberated in part for service against Prussia in the north, and France did not effectually interpose herself between Austria and either of her enemies.

The injury which Italy considered herself to have received in the cession, abortive as it proved, has probably excited animosity on her part against the French sovereign.

On the other hand, Austria may, perhaps, feel that the pledge of armed and therefore effective mediation, which she is stated to have received, was but a phrase signifying nothing.

There would seem to have been no very effective mediation; Prussia and Russia alone commanded the situation.

Prussia, victorious in the field, has essentially dictated her terms. Those terms embody the great political objects which for years she has steadily pursued. With the line of the river Main in her hand at last, she holds the great prize of her ambition. She has not swerved from her purpose, nor risked the loss of the immense advantages gained in her three weeks' campaign, in order to gratify an ignoble vanity, by dictating peace in Vienna, and an insolent hope to humiliate wantonly a brave but unfortunate rival.

It is entirely possible that the attempt to force the Danube might have ended in a Prussian disaster. The imperial army would certainly have done its best to make it one.

It would seem probable that this June campaign will have ultimately effected what it has been the steady object of the Napoleonic policy to prevent, the union of Italy and the union of Germany.

There will probably be no schemes in future for an Italian confederacy, with the Pope for president, while the Germanic confederation of monarchs is at last buried. It has long been dead.

We in America, who have learned by bitter experience, the difference between the words union and confederation, can well appreciate the strength to be gained by both Italy and Germany in the union which they seem on the verge of achieving.

I say strength. The future must decide whether out of that strength is to go forth the sweetness of political liberty. The most thoughtful patriots of Germany have usually felt, I believe, that a strong and united Germany would at last become a free Germany. If the result of all this boodshed was to be mere Cæsarism, and the appearance of one powerful military despotism the more,

humanity would have gained but little by this brief but mighty conflict. I cannot believe in such a result.

What is called the balance of power in Europe has been suddenly changed. But powers must balance themselves at last by their intrinsic weight, and it is hardly possible for sovereigns or politicians to prevent material and intellectual growth, in various directions, however it may disturb an artificial equilibrium; nor can the laws of political accretion, gravitation, and sympathy be permanently resisted by diplomatic combinations.

The constitution of the North German Union is hardly yet a recognized political fact, but already there are indications of the attraction which that new and powerful body may exercise on the other members of the German system. It would not be a very wild prophecy to say that, ere many years are gone, the people of Baden, Wurtemberg, and even Bavaria, may be represented in the great German parliament, and the sovereigns of those states be in much the same position as that in which those of Hanover, Saxony, and the rest, already are. This will mainly depend on the future direction of Prussian policy. If it proves to be one of repressive and aggressive absolutism, a mere military despotism, its triumph will perhaps be short-lived, and popular revolutions, whether successful or not, may reveal that a national, and therefore democratic principle, however disguised or denied, lay at the bottom of the prodigious success just achieved by Prussia.

Austria, it is to be hoped, has gained in reality by what seemed her disaster. Never, in public or private, in the journals or in the debates of the Reichsrath was, so far as I know, the possibility of ceding Venetia admitted. To allude to the step was almost like treason, and the most conclusive reasons against it, political, historical, and topographical, were always ready.

Yet the step was taken in a moment, and time will show, I hope, that it was not a step off a precipice, but a safe movement in a progressive direction.

A fifty years' captive, artificially chained, has been released and permitted to follow the law of more natural attachment.

An end has come, it may be hoped, to the struggles of centuries between the house of Austria and the government of France, whether under Valois, Bourbon, or Bonaparte, for the control of Italy; and Austria, having unlimited resources, a population of thirty-three millions, bound to her reigning house by historical traditions, feudal attachments, and legal sanctions, may enter, if she shapes her course in harmony with the spirit of the age, on a new career of prosperity and advancement.

It is feared by those inclined to despond that the German provinces of the empire will irresistibly gravitate to the northern union; that their populations, refusing to be excluded from Germany, will forget their loyalty to the empire.

There is danger, no doubt, from this source, and the heterogeneousness of the population of the empire, and the apparent mutual reluctance of the various races to amalgamation, have always constituted an embarrassment for the government.

Hitherto, with the exception of the four years from 1861 to 1865, during which the experiment of th Reichsrath was tried, the sole union has been found in absolutism.

The problem now to be solved, and pressing for solution, is how to satisfy the claims of Hungary, which has not abated a jot of her demands for absolute independence; and Hungarian parliament governments and those of the Germanic provinces, which certainly will not be more content with their present deprivation of representative government should Hungary achieve her objects, and North Germany realize the popular hope in the national parliament.

Meantime we have martial law in Vienna, (proclaimed on July 26,) and the journals are, therefore, doubtly cautions in expressing opinions on all political subjects.

The corporation of the city, in the person of the burgomaster, has ventured to remonstrate with the Emperor on the political condition of affairs, and has received a somewhat curt reply.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 202.] LEGATION OF THE UNITED STATES,
Vienna, August 15, 1866.

SIR: I had the honor to receive your despatch No. 196 of July 17. Since my last of August 1, No. 201, I have not had the power to communicate any important intelligence of a political nature, nor would it be possible for me to do so to-day.

The armistice between Austria and Italy, just concluded, runs from the 13th of August till the 10th of September; that between this empire and Prussia expires at the end of the month. There can hardly be a reasonable doubt that a treaty of peace will be signed between the various belligerents before the expiration of the amistices. You are aware that separate negotiations are going on between Prussia and the governments of Baden, Ducal-Hesse, Wurtemberg, and Bavaria.

The telegraph will probably bring you the actual result of the negotiations before this despatch can reach you. It would be entirely superfluous for me, therefore, to indulge in speculation as to what those results in detail are likely to be. Moreover, the details have no very vital interest for us.

That in Germany a great power of the first class has suddenly risen to overshadowing greatness, is already a historical fact. That there are no real sovereigns in Germany north of the Main line, except Prussia; that south of that line there are only two kingdoms of comparatively little strength, one grand duchy and a fragment of another, besides the possessions of the Austrian dynasty. These are also facts not likely to be materially altered by the treaties which are soon to sanction them. The unification of Italy, so far as the Austrian dominion in Venetia was an obstacle to it, has become far more probable than ever.

The Roman question, now rapidly approaching its solution, if the September convention be fulfilled, will be watched by the whole world with palpitating interest. So, also, the process of consolidating the new German union, under the sceptre of Prussia, will present problems than which nothing can be more grave or exciting to all who find something more important in contemporary history than a political game.

The present indications are that the spirit of freedom and human progress is to gain by the triumph of the Prussian army. A parliament chosen by universal suffrage, with vote by ballot, through a country inhabited by thirty millions of an industrious, highly civilized, and intellectual race, can hardly fail, one would hope, to achieve some good for humanity.

One must trust, until events forbid such reasonable hopes, that all this blood has not been shed in vain, and that a new and vast military Cæsarism is not to be the substitute for the small sovereignties into which North Germany has so long been subdivided.

The treaty of Westphalia sanctioned but did not create the disunion of the consequent weakness into which the course of history for centuries had reduced the German nation. Three hundred dynastic families were established in the powers which they had gained, at the expense of the German people. The Bund,

in the early days of this century, confined the reduction of these three hundred principalities to three dozen, and presented the resemblence of a national union, which was only a league of monarchs. Peace was kept in Germany by this machinery, at the expense of the national strength, until the antagonism between the only two members of the Bund possessing political power burst the rope of sand.

Whether the great German power now taking so prominent a place among the nations will be a liberal, constitutional state, will be shown in the immediate future.

But these speculations you will probably think out of place in a diplomatic correspondence. Moreover, the politics of North Germany, which is now synonymous with Prussia, are not in my sphere of duty, and I must abstain from trespassing upon matter belonging to our able representative at Berlin. For the same reasons, I avoid expressing any opinions as to the immediate future of Italy.

So soon as the conclusion of peace gives leisure for Austria to occupy itself exclusively with its internal affairs, the politics of this empire will become deeply interesting, and will engage my anxious attention. For the present there is an interim, but the consideration of Hungarian affairs and the general constitutional questions cannot be much longer deferred.

I cannot regard the so-called exclusion of Austria from Germany as an unmitigated evil to this empire. As already intimated, treaties are apt rather to register results than to create new facts.

There having been nothing since the peace of Westphalia that could be legally or philosophically called Germany, and there being no reasonable ground for supposing that leagues or treaties to be made in future between this empire and such other German powers as exist may not be as beneficial at least as the extinguished Bund, I do not feel that the vital interests of Austria are prejudiced by a phrase which at first seemed so painful. There are elements of a magnificent future in this empire, boundless resources if properly employed, and the variety of races which ever threatens the stability of the realm might be made a source of strength, instead of weakness, if the constitutional problem can be satisfactorily solved. The German element cannot be eliminated by a treaty article from a state inhabited by ten millions of Germans. With so large a portion of that mother race, from which the civilization of the greater part of Europe and America is almost exclusively derived, as one great ingredient, and with other very noble national components, which have never yet manifested all their splendid capabilities, because generally in discord, instead of harmony with the forces which ought to produce together an organic whole, it is impossible not to trust in better days for Austria, dating from what seems an epoch of disaster.

I make no allusions, for the reasons already given, to the claims of France upon Prussia, nor to the possible embarrassments with Bavaria, threatening symptoms of war, which will probably die away.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 208] LEGATION OF THE UNITED STATES,
Vienna, October 17, 1866.

SIR: I have the honor to state that G. V. Fox, Assistant Secretary of the United States Navy, has made a brief visit to Vienna, arriving on the 10th instant, and leaving the city this morning for Trieste.

A copy of your circular to the diplomatic and consular officers of the United States recommending him to their friendly offices was received by me in advance of his arrival, together with a list of questions in regard to the naval establishments of this empire, which he desired me to have placed in the proper channel.

The subject has been laid before the imperial royal government, in a note addressed by me to his Excellency Count Mensdorff, and I am assured, in a private interview on the subject, that due attention will be given to the wishes of the United States government. I will forward the answer to my communication as soon as it reaches me.

I also requested the minister of foreign affairs, both verbally and by note, that the necessary facilities might be afforded to Mr. Fox, upon his proposed visit of inspection to the naval establishments of Trieste and Pola.

In an interview with Count Mensdorff, who received him in the most cordial manner, Mr. Fox expressed his admiration of the late brilliant achievements of Admiral Tegetthoff, and his desire to make the acquaintance of that distinguished commander. The minister accordingly invited Mr. Fox (as well as myself) to dine on the following day to meet the admiral. It happened, however, that the admiral was engaged to dine with the Archduke Albert, but on the following evening I had the pleasure of introducing him and Mr. Fox to each other at my own house. On the same evening, I received a note from Count Mensdorff, stating that the Emperor would receive Mr. Fox at a certain hour next day, and requesting that I would accompany and present him to his Majesty.

As the Emperor was about to leave Vienna almost immediately on a somewhat extensive tour, it had been thought best by Mr Fox and myself not to make formal application for an audience, and it was therefore the more complimentary to the United States, and to so distinguished a member of its government as Mr. Fox, that the interview was thus arranged.

The Emperor received Mr. Fox with much courtesy, made many remarks expressive of his special admiration of the recent naval history of the United States, addressed his sincere compliments to Mr. Fox as its efficient and distinguished representative, and hoped that he would visit the imperial establishments at Trieste and Pola.

I think that Mr. Fox is with reason satisfied with the attention shown to him during his very brief visit to Vienna.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 211.] LEGATION OF THE UNITED STATES,
Vienna, October 31, 1866.

SIR: It appears only too probable that a terrible crime has just been attempted in Prague. The public journals will have brought you by means of the telegraph, long before the arrival of this despatch, full details of the event, and of the results of the examination now in progress. On inquiry of the minister of foreign affairs yesterday, I found it considered hardly doubtful that a foul attempt upon the life of the Emperor had been made—a sovereign ever most conscientious in the discharge of his great office, who at that very moment was engaged in dispensing very liberal charities with his own hand throughout the provinces lately desolated by a cruel war, which he and his ministers had done their best to avert. For the moment I can do no better than translate the paragraph refer-

ring to this deplorable affair in the official gazette of yesterday morning, as nothing further or more accurate than this account is thus far known.

I am conscious that my despatch will of necessity be antiquated before it comes to hand.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

(Translation.)

Extract from a letter written from Prague to the Vienna Gazette of October 30, 1866.

On the evening on which his Majesty visited the Bohemian National theatre, the 27th, the English captain, Hugh P. F. Palmer, (lodging in the Hotel d'Angleterre,) was waiting to see his Majesty drive away from the theatre. At the moment in which the Emperor was getting into the carriage to take his seat, Captain Palmer asserts that he observed a man who was raising his right hand, armed with a pistol, against the carriage. Captain Palmer, examined on oath before a court of justice, declares that he, when leaving the theatre, saw two men walking up and down before it, one of whom, by an accidental movement of the hand, allowed an object to be noticed, which seemed to resemble a pistol; that it really was one, witness could not declare on oath. He asserts, however, in that moment to have acquired the conviction that the man had a pistol. This conviction had induced him to keep a close eye upon the man in question. After the second person had retired in the direction of the chain bridge, the other one had come forward towards the carriage-door of the Emperor at the instant he was entering the carriage, and had not stretched out the right hand, but had bent it in the elbow-joint, (Sic: Soudern im ellbogengelenke gebogen,) aiming with a pistol towards the interior of the carriage. The captain saw that the pistol was cocked, but did not see whether it was furnished with a percussion cap. He now threw his left arm around the neck of the suspected person, seized his right arm and pressed it downwards, whereby it seemed to him that the man let the pistol slide into his pocket. At the same moment his Majesty's carriage rolled by, upon which the captain pressed the man across the street towards the theatre and gave him into the custody of the police guard, (communal wache.) On the way the arrested man let a small parcel fall, which afterwards proved to be a bit of worn-out silk stuff, containing in a little bag some powder, and in a paper a small leaden bullet and three percussion caps. At the police office it appeared that the suspected individual was a journeyman tailor, Anthony Pust by name, employed at the Bohemian theatre. He obstinately denies the charges made against him. It soon became known, however, through the police, that a pistol had been found the same evening before the theatre by some young people. The pistol was loaded and at full cock, but there was no cap upon the nipple. Those who found it had no knowledge of the whole transaction. They had, indeed, seen the English captain, but had not observed the arrest of Anthony Pust. It is to be remarked that the coat-pocket of the accused is torn, and he might, therefore, have lost the pistol while Palmer was pushing him across the street.

Such are the facts, so far as known. I repeat, there is still much, almost everything, to be explained before one can come to the mournful conviction that here lies, in very deed, an attempt at the horrid crime which one might be inclined by some of the circumstances to believe; at any rate, the hand of the Almighty has decided. Scarcely could the ruthless deed be carried beyond the criminal intent, even had it been really conceived and undertaken. To the honor of humanity we hope that the examination will give a different result.

Mr. Motley to Mr. Seward.

No. 215.] LEGATION OF THE UNITED STATES,
Vienna, November 14, 1866.

SIR: The period of stagnation in this empire which has lasted since the conclusion of the late disastrous war still continues. I have purposely refrained from writing until there should be new facts to communicate and to comment upon. I do not wish to occupy your time with finely academic or historical discussions, not in place in diplomatic correspondence.

It may not be superfluous, however, to say a few words in characterization of

the present condition of affairs; to fix a point of departure, as it were, for the course of events to be expected in the immediate future.

It would be impossible to deny that a feeling of discouragement and discontent pervades all classes. The physical misery of the great mass of the people is very great. It would be difficult to exaggerate the destitution and suffering in Bohemia, Moravia, Silesia, and other provinces, late the seat of war, and even in the capital itself. The wealthier classes, which have themselves suffered enormously, have been liberal and energetic, from the highest nobles down, in relieving the awful distress, and ministering to the wants of an almost starving population. The Emperor has just returned from a tour in those provinces, where he has been received with demonstrations of loyalty, and where he has given very generously from his own private purse to the cities, villages, and individuals most afflicted by the late disastrous event.

But individuals can unfortunately do little. The productive energies of a population can alone create or restore national wealth, and without extensive changes in the system by which capital is accumulated and distributed throughout this ancient empire it is not easy to indulge in cheerful views.

When an industrious journeyman shoemaker, for example, cannot earn more than from three to five paper florins by a week's hard work in the capital; when an agricultural laborer can scarcely gain more than twenty cents a day by toiling from morning till night, and when the taxes throughout the empire are already so high that according to official statement they can scarcely be increased, in spite of a yearly deficit of fifty or sixty millions, steadily increasing, it is difficult for the nation to grow rich or for the poor not to grow poorer.

With an almost universal distress and discontent, resulting from a long series of historical events prevailing in the land, the government is now called upon to solve one of the most difficult problems ever presented to statesmen. Some means must be discovered, and that ere long, of uniting into a whole the various kingdoms and provinces subject to the imperial sceptre, when men are speaking and writing openly in the capital itself of the possibly approaching dissolution of the empire.

On the 19th of this month nineteen diets will assemble in the capitals of the various kingdoms and provinces. Voices enough will be heard in these assemblies to describe the dangers and the difficulties besetting the progress of the state, but it is to be feared that the remedies suggested will be almost as numerous as the assemblies. The so-called centralist party is supposed to be entirely defeated. There are few that believe now in the possibility of a united imperial parliament for the whole empire. The February constitution of 1861, without having ever been fairly born, has gone to the limbo of departed efforts at political organization. Four years were consumed in the honest and earnest attempt, while, since the suspension of that February patent, in September, 1865, there has been a persistent negotiation with Hungary, in the hope of coming to some understanding with that kingdom. Those negotiations were duly chronicled in this correspondence, until the point at which they were interrupted by the great war just concluded. They will be resumed on the 19th. The result of the deliberations hitherto has been to establish in the most public manner possible, that Hungary will never cease to regard herself as an entirely independent and self-dependent nation, willing to treat, as one independent state does with another, upon the possibility of inventing some working machinery by which she can regulate such affairs as she may have in common with other kingdoms and states subject, like herself, to the hereditary sway of the Hapsburg dynasty.

This position persisted in is necessarily a negation of any imperial sovereignty. Yet from this position there has been no sign of swerving.

On the other hand, the separatory, the disintegrating tendencies are more rife

than ever before on this side of the Leitha. Each nationality is more than ever disposed to assert its independence and repel the other integrals of the one great whole which is known as the Austrian empire. Especially is this visible in Bohemia, where about one-half of the population of five millions belongs to the Czech branch of the Sclavonic family, and are beginning to manifest as much exclusive loyalty to the crown of Wenceslaus as do the Magyars to that of St. Stephen. The Polish nationality, too, is also, as ever, irrepressible, more or less discontented, and ready for any favorable opportunity for reasserting its buried sovereignty. But a far greater danger than all is likely to be found at some day, more or less distant, in the German nationality. Should the great Germany north of the Main constitute itself as firmly and as liberally as the initiatory movements have been rapidly and energetically carried out, it is not easy to see how the immense attraction of such a body upon the German provinces of Austria can be neutralized, except by a liberal and far-seeing constitutional and united policy for the whole empire. Federal autonomy, dualism, disintegration, would seem the right means to strengthen the enemies and to dishearten the friends of the empire.

Yet it cannot be denied that the centrifugal tendencies are very powerful at present, and that it will need all the energy and all the ingenuity of the statesmen intrusted with the control of government to devise a bond of union

Hitherto that bond has been provided by the sceptre and the sword, by absolute dominion, in short. No other exists at present, for no constitutional scheme has yet been devised that was not bitterly denounced and rejected by some powerful portion or other of the various nationalities. Yet military absolutism does not seem likely to be the most practical or beneficent form of government for the coming years in Europe.

This much of the recent past, and of the immediate present, I have thought it not amiss to recall to your attention, in order to furnish a preface, as it were, to whatever of current history in this empire it may soon become my duty to sketch or to comment upon.

I am, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Motley.

No. 207.] DEPARTMENT OF STATE,
Washington, November 16, 1866.

SIR: Your despatch, No. 211, of the 31st ultimo, upon the subject of the last attempted assassination of the Emperor of Austria, at Prague, by one Anthony Pust, has been received and submitted to the President. He desires me to instruct you to ask for an interview with his Majesty, and to congratulate him, in the name of the United States, upon his providential escape from the attempt referred to. This proceeding is due to the high personal character of that sovereign. We are no abettors of assassination, whatever may be the difference between our political forms and those of states whose heads or other functionaries may be victims of that crime.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

Mr Seward to Mr Motley.

No. 211.] DEPARTMENT OF STATE,
Washington, November 30, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 14th instant, No. 215. Your review of the uneasy situation in which the Austrian empire has been left by its recent and disastrous military experience, is singularly graphic and comprehensive. The success of the imperial government in its entire work of reorganization seems to me to depend in a very great degree upon the success which it may obtain in the efforts to satisfy and reconcile Hungary. The telegraph informs us that those efforts are now the occupation of the Emperor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

CORRESPONDENCE WITH AUSTRIAN LEGATION.

Count Wydenbruck to Mr. Seward.

[Translation.]

WASHINGTON, *December* 26, 1865.

The Austrian agricultural society, under the patronage of his imperial highness, the Archduke Charles Louis, has determined to open an exhibition for agricultural and woodland machines next year in Vienna, like the one held there in 1857, the result of which was to open an extensive market in Austria for English agricultural machines. The increasing demand for agricultural machines in Austria, and the great reputation of American machines in that country, on account of their strength and the simplicity of their construction, induce the society to wish to see that branch of American manufactures worthily represented in the exhibition of 1866, convinced that such a participation will benefit Austrian agriculture and American industry.

With this object in view, Prince Schwarzenberg, president of the society, which reckons several Austrian archdukes and the largest landholders of the empire among its numbers, requests the government of the United States to use its influence with the different State societies for the encouragement of agriculture, and the manufactories of agricultural and woodland machines to induce them to take part in our exhibition.

The undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of Austria, has the honor to transmit herewith Prince Schwarzenberg's letter and the programme of the exhibition to the honorable Mr. Seward, Secretary of State of the United States, and obeys an order of his court in requesting him to use his good offices for the success of an enterprise intended to be of mutual advantage to the two countries.

The undersigned, in sending with the present many copies of the programme and advertising samples, in case the honorable Mr. Seward chooses to make use of them for the benefit of the exhibition, takes this occasion to reiterate the expression of his most distinguished consideration.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

VIENNA, *November* 13, 1865.

The Royal Imperial Agricultural Society of Vienna will hold a grand agricultural and industrial exhibition in that city next year, expressly for international agricultural machines and implements.

The society, which gave its grand exhibition in 1857, had no other design than to show the condition of these branches of industry in past years in Austria, and the wonderful present improvement of agricultural machines; but when the agricultural society endeavored, at its last exhibition, to procure a large collection, through English machine manufactories, and thereby induce an extensive use of them in Austria, and were only partially successful, the committee for next year's exhibition determined to have a collection of American agricultural machines and implements, as their solidity and the simplicity of their structure make their introduction into Austria very desirable.

Now everything is quite ready for next summer, and the Royal Imperial Society puts itself in communication with the agricultural unions of the United States by sending these programmes and advertisements, to encourage machine factors of that country to contribute largely to this exhibition; and the committee of arrangements has also determined to address a high authority, asking aid for the separate states in their efforts, and especially to help the machine factors, so they can transmit their work in a proper manner.

As a reason for this request, the committee of arrangements must remind you that the present Vienna exhibition will in no way compare with many similar exhibitions held of late years in Germany, (as in Hamburg and Cologne;) for most of these, not to say anything in their disparagement, were solely intended to make money.

This Vienna enterprise is an effort of the first agricultural society in the Austrian empire—a society composed of the most distinguished persons, the largest landholders and the dignitaries of the country; and twelve members of the imperial house of Austria belong to it.

At a late meeting of the society the sum of 20,000 francs was voted for the increased estimates for the expenses of the exhibition.

The council and commune of the royal imperial capital and residence, city of Vienna, have tendered their welcome assistance.

The committee of arrangements have determined to make this exhibition worthy of the society and of the state, and will certainly succeed, as it will be joined by the twenty-sixth assembly of the German Land and Forest Company, which is already extensively known by its annual reports.

The committee expresses the conviction that American machine factors, from the great need of agricultural machines in Austria, will do as good business as the English did in the exhibition of 1857.

The committee also request that consuls be empowered, or special agents appointed, if thought necessary, to inquire about the machines and utensils intended for sale.

As the committee of arrangements desires to complete its work, the above requests are repeated; and it informs all other societies that it is ready to give any information on the subject.

By the Exhibition Committee:

JOHANN ADOLPH,
Fürst von Schwarzenberg.
CARL GUNDAKEN SUTHEN, *Ritter.*

The PRESIDENT.

Mr. Hunter to Count Wydenbruck.

DEPARTMENT OF STATE,
Washington, January 11, 1866.

The undersigned, Acting Secretary of State of the United States, has the honor to acknowledge the receipt of Count Wydenbruck's note of the 24th ultimo, and to state in reply, that so soon as the printed programmes and forms which accompanied it shall have been rendered into English, the attention of the governors of the several States will be called to the proposed exhibition for agricultural machines, &c., to be held at Vienna during the present year, the importance of which is fully appreciated and the success of which cannot be doubted.

The undersigned offers to Count Wydenbruck assurances of his highest consideration.

W. HUNTER,
Acting Secretary

COUNT WYDENBRUCK, *&c., &c., &c.*

Count Wydenbruck to Mr. Seward.

WASHINGTON, *May* 27, 1866.

SIR: The imperial government of Austria having become acquainted through the daily press with a circular of General Marmora's, which endeavors to represent the government of the King, Victor Emanuel, as obliged to take measures of defence against the threatening projects of Austria, the imperial government has addressed to its representatives in Paris, London, and St. Petersburg a despatch demonstrating the futility of these accusations.

My government has deemed it advisable to transmit to its missions a copy of this despatch, with instructions to communicate the same to the governments to whom they have the honor to be accredited. In compliance with this order, I beg leave to transmit to you, sir, a copy of the said despatch in the enclosure.

I have the honor to remain, sir, with the highest consideration, your obedient obedient servant,

WYDENBRUCK.

HON. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

Copy of a despatch to the imperial missions at Paris, London, and St. Petersburg, dated Vienna, April 27, 1866.

I have the honor to transmit, annexed, copy of the despatch to Count Karolyi, the sending of which I announced to you by telegram yesterday.

We have given too many pledges of our pacific intentions; it is too evident that neither the policy of the imperial government nor the interests of Austria are in accord with aggressive projects to admit of doubt in Europe of the sincerity of our language. In face of preparations making in Italy on a vast scale, and when the conquest of one of our provinces has long been an avowed aim of the policy pursued by the government of King Victor Emanuel, there would need be inconceivable blindness on our part were we not to take precautions indispensable to our defence. Besides our land frontier, we have on the side of Italy a long stretch of coast to protect. Our troops, distributed as they were throughout the interior of the empire, and reduced to their minimum, would not suffice to cover all the exposed points, which often are separated by long distances. In abandoning ourselves to a false security, we should only invite attack on our dismantled frontiers. We have, therefore, ordered various movements of troops, and the replacing of our army in Italy on a complete footing.

These measures, I repeat, are only of most strictly defensive character, and it does not enter the thought of the imperial government to provoke a war with any power.

You can renew this assurance in the most formal manner; but we regard it at the same time to be an imperative duty to neglect nothing to place ourselves in a condition to repel armed invasion.

No cabinet, I believe, would take upon itself the responsibility of advising us to act otherwise, for none could be willing, in the actual condition of things, to guarantee the inviolability of our frontiers.

Receive, sir, &c.

Mr. Seward to Count Wydenbruck.

DEPARTMENT OF STATE,
Washington, July 16, 1866.

SIR: I have the honor to acknowledg the receipt of the note which you addressed to me on the 8th of July instant, with its accompaniment, a copy of the imperial manifesto of Austria on the subject of the war between that state and Prussia, and of a correspondence relating to the same subject.

Those very interesting papers have been laid before the President of the United States, who has been pleased to say that they will receive his considerate examination.

I am, sir, with high consideration, your obedient servrnt,

WILLIAM H. SEWARD.

COUNT WYDENBRUCK, &c., &c., &c.

Count Wydenbruck to Mr. Seward.

[Translation.]

WASHINGTON, *November* 16, 1866.

Several Austrian subjects established at Matamoras, in Mexican territory, have suffered losses more or less considerable from a body of soldiery, led by officers, all belonging to the United States army, who, on the nights of 4th and 5th of February last, crossed the Rio Grande, unexpectedly attacked the town of Bagdad, and plundered the inhabitants.

These facts are of too well-established notoriety to make it necessary to supply fresh evidence.

In consequence of these events the undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of Austria, has received from the above-mentioned Austrian subjects twenty-four different claims for indemnity, to be urged on the government of the United States for the losses occasioned to them, as above mentioned, by federal soldiers.

The claims amount to the sum total of $88,695 37.

The undersigned, convinced of the legitimacy of these claims, and not doubting that the government of the United States will acknowledge their justice and equity, and do what is proper about them, has the honor to submit them herewith in a synoptic brief to the honorable Secretary of State of the United States, praying him to request in this affair a decision favorable to the parties injured.

The undersigned seizes this occasion to reiterate to the Hon. W. H. Seward the assurance of his very high consideration.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Count Wydenbruck.

[Extract.]

DEPARTMENT OF STATE,
Washington, November 28, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, upon the subject of claims against this government by certain alleged Austrian subjects domiciled in Mexico.

The statement which you submit is that certain Austrian subjects, established at Matamoras, in Mexican territory, have suffered losses, more or less considerable, from a body of soldiers led by officers of the United States army, who, on the nights of the 4th and 5th of February last, crossed the Rio Grande and attacked Bagdad.

You remark that the facts of that transaction are of too well-established notoriety to need fresh evidence. You thereupon present twenty-four different claims, for and in behalf of as many persons, whom you represent to be Austrian subjects, for indemnification for losses occasioned to them by soldiers of the United States in that proceeding. The claims amount to eighty-eight thousand six hundred and ninety-five dollars.

[Here follows the list of claims, with the names of the claimants.]

It is observable that your note does not represent that these claims are presented by direction of the imperial authority at Vienna, but they are submitted by yourself on the request of the claimants. Of course, in this case, as in all other cases, an examination of the claims by this department can be expected only on the ground that this government is responsible, or is assumed to be responsible to the government of Austria for trespasses by its agents, soldiers.

or servants against Austrian subjects, who are, though in a foreign country, entitled, by their allegiance and loyalty to the Emperor of Austria, to his interference and protection, or at least to his good offices with this government.

With a view that I may determine the proper course to be pursued, I will thank you for information: First, upon the point whether his imperial Majesty of Austria sanctions these claims. Secondly. In that case, I will thank you for the proof that the claimants, who you say are established at Matamoras, (which is in a central part of the American continent,) are nevertheless real subjects of the Emperor of Austria, retaining in an American republican country a title to the protection of the Austrian government. An answer to this inquiry will necessarily involve details of the circumstances, duration, and character of their establishment in Mexico.

Mexico has been for four years a theatre of sanguinary and desolating wars, civil wars, aggravated by foreign invasion and usurpation. In these wars Prince Maximilian, of the imperial house of Austria, followed by bands of armed soldiers of various European and even African birth, and of divers allegiances, has been, and yet is, an intervening military belligerent, and has claimed nothing less than to make himself an emperor of Mexico. Although this claim has been continually disallowed by the United States, yet it has been at least tacitly permitted by the Emperor of Austria, whose subject the same Maximilian is. In the absence of any definite information, this government must presume that any Austrian subjects who are found in Mexico have practically absolved themselves from their native allegiance and put themselves under the supposed protection of the belligerent Austrian prince before named, portions of whose military forces, as is understood, have been discharged from their own proper national service to enter the prince's legions, and have even been transported by the Emperor's agents to Mexico. It seems hard to believe that the Emperor of Austria can prefer claims against the United States, which, according to the logic of his own relations, ought at least, in the first instance, to be brought against the Prince Maximilian.

The archives of this department are full of claims submitted by persons who allege themselves to be citizens of the United States, for indemnities for losses suffered by them by many oppressive and violent acts at the hands of that Austrian Prince Maximilian and his mixed levies of foreign and Mexican soldiers. Hitherto it has not seemed to us that we can hold the Emperor of Austria to answer those claims. We may, however, think that question a legitimate one if the Emperor of Austria, upon due consideration, shall have decided to prosecute the claims which you have submitted against this government. If it could be admitted to be lawful for the Emperor of Austria to send or permit his soldiers to invade Mexico, it is not easy to see how the United States could be held responsible for their soldiers entering Mexico, whether with or without authority or permission.

The information which I have asked from you may possibly relieve the present claimants from this embarrassment. While awaiting your reply, I think it proper, by way of precaution, to say that the reports which have been made to this government by the General of the army of the United States are regarded as showing conclusively that the proceeding at Bagdad was, however it may be characterized, an incident to the war in Mexico, for which the belligerents themselves ought to be deemed accountable to all aggrieved parties, and not the United States, a neutral and friendly nation guarding its own frontier; that none of the persons who were engaged on the occasion were acting under the authority or permission of any civil or military agents or officers of the United States, and that this government is in no way liable to Austria or any of her subjects, or to the republic of Mexico or any of its citizens or inhabitants, or to any other party, for any injuries or losses which may have been incurred by

them in those proceedings, how much soever they may in any quarter be regretted or condemned.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

COUNT WYDENBRUCK, &c., &c., &c.

Count Wydenbruck to Mr. Seward.

[Translation.]

IMPERIAL AUSTRIAN LEGATION,
Washington, December 5, 1866.

SIR: I have had the honor to receive the letter you addressed to me the 28th of last month, in reply to mine of 16th of the same, bearing upon certain claims of Austrian subjects established at Bagdad, and not at Matamoras, as your excellency's letter says, for losses inflicted on them by a troop of federal soldiers at the time of the sudden attack on said Mexican city of Bagdad, on the night between the 4th and 5th of February last.

Your excellency desires to know whether his Majesty the Emperor, my august sovereign, sanctions the claims above mentioned, and asks me, besides, to furnish the proofs that the claimants have not lost the character of Austrian subjects, and consequently their title to the protection of the imperial government.

As to the first point, I have the honor to observe, that the claims in question came to me directly from Mexico, and that having judged them to be worthy of your consideration, I have not hesitated to submit them to you without making reference to Vienna.

As to what concerns the call for proof of the Austrian nationality of the claimants established at Bagdad, (not at Matamoras,) I supposed that this nationality, as well as its continuity, was sufficiently proven, the first by the certificates of nativity annexed to each one of the claims, the second by the countersigning of such claims by the superior authority at Bagdad.

However that may be, I would hasten to take the steps necessary for the purpose of furnishing the details which you require from me, Mr. Secretary of State, if the letter from your excellency did not close with the categorical declaration that the government of the United States does not consider itself in any way responsible for losses inflicted on persons of foreign nationalities at the time of the pillage of Bagdad by federal soldiery.

In presence of this declaration, any ulterior step on my part for the purpose above indicated becomes without object, and it only remains for me meantime to take note of this *finale* of non-reception.

I shall not enter upon discussion of the questions raised in the letter of your excellency, for, independently of the reserve imposed on me by the attitude of absolute passivity maintained by the imperial court of Austria in the Mexican question from the outset, I do not hesitate to avow my inability to comprehend in virtue of what principle of international law, under what serious title, the government of the United States could eventually be disposed to cause to be carried up to my august sovereign responsibility for events which have transpired in Mexico.

Let it be permitted to me to add, that whatever may be the appreciation which your excellency may deem suitable to make of pretended acts of his majesty the emperor of Mexico, I am none the less convinced that his majesty may, in this relation, rest without any uneasiness for his renown upon the impartial judgment of his contemporaries and of history.

Accept, I pray you, Mr. Secretary of State, the assurances of my very high *consideration.*

WYDENBRUCK.

WILLIAM H. SEWARD, &c., &c., &c.

1251